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AP 5140 Disabled Student Programs and Services

(Replaces current SBCCD AP 5140)

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.

The role of Disabled Student Programs and Services (DSPS) is to support the colleges in meeting federal and state obligations to students with disabilities. DSPS is the principal provider of support programs and services that allow equal educational opportunities for students with disabilities who can benefit from instruction. No student with disabilities is required to apply to DSPS. If a student requests accommodations, but does not want to register with DSPS, then the student will need to submit verification of the disability and educational limitations to the College 504/ADA Coordinator."

As required by Section 504 of the Rehabilitation Act of 1973, Title 5, section 567027, and District Board Policy 5140, the San Bernardino Community College District has developed procedures in order to respond in a timely manner to requests by students with disabilities for academic adjustments. Pursuant to Title 5, Sections 5600-56076 the district has established DSPS at each college in order to assist students with disabilities in accessing instruction, programs, academic adjustments, and auxiliary aids.

The application process shall include: 1) the student completing an Application for Services, 2) the student providing documentation from a certified professional that verifies both the disabling condition and that the disabling condition creates educational limitation(s) in an academic setting, 3) Certificated DSPS staff review of documentation provided, 4) additional assessment to verify disabling condition, if needed, 5) and certificated DSPS staff interview with the student to determine if the level of the student's reported disability meets the requirements of Title V, Section 504 (11135).

Crafton Hills College's DSPS long-range goals and short term objectives are delineated within the Crafton Hill's DSPS Non-Instructional Annual Plan.

San Bernardino Valley College's DSPS long-range goals and short term objectives are delineated within the SBVC DSPS Non-Instructional Annual Plan.

§ 56002. Student with a Disability

A "student with a disability" is a person enrolled at a community college who has a verified disability which limits one or more major life activities, as defined in 28 C.F.R. 35.104 resulting in an educational limitation as defined in section 56001. For purposes of reporting to the Chancellor under Section 56030, students with disabilities shall be reported in the categories described in Sections 56032-44. NOTE: Authority cited: Sections

67312, 70901 and 84850, Education Code. Reference: Sections 67310-67312 and 84850, Education Code; and 28 U.S.C. Sec. 35.104.

§ 56032. Physical Disability.

Physical disability is defined as a limitation in locomotion or motor functions. These limitations are the result of specific impacts to the body's muscular-skeletal or nervous systems, and limit the student's ability to access the educational process. NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310-67312 and 84850, Education Code.

§ 56034. Deaf and Hard of Hearing (DHH).

Deaf and Hard of Hearing (DHH) is defined as a total or partial loss of hearing function that limits the student's ability to access the educational process. NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310-67312 and 84850, Education Code.

§ 56035. Blind and Low Vision.

Blindness and low vision is defined as a level of vision that limits the student's ability to access the educational process. NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310-67312 and 84850, Education Code.

§ 56036. Learning Disability.

Learning disability (LD) is defined as a persistent condition of presumed neurological dysfunction which may exist with other disabling conditions. The dysfunction is not explained by lack of educational opportunity, lack of proficiency in the language of instruction, or other non-neurological factors, and this dysfunction limits the student's ability to access the educational process. To be categorized as a student with a learning disability a student must meet the following criteria through psycho-educational assessment verified by a qualified specialist certified to assess learning disabilities:

- a. Average to above-average intellectual ability; and
- b. Statistically significant processing deficit(s); and/or
- c. Statistically significant aptitude-achievement discrepancies.

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

§ 56037. Acquired Brain Injury (ABI).

Acquired Brain Injury (ABI) is defined as a deficit in brain functioning which results in a total or partial loss of cognitive, communicative, motor, psycho-social and/or sensory-perceptual abilities, and limits the student's ability to access the educational process. NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310-67312 and 84850, Education Code.

§ 56038. Attention-Deficit Hyperactivity Disorder (ADHD).

Attention-Deficit Hyperactivity Disorder (ADHD) is defined as a neurodevelopmental disorder that is a persistent deficit in attention and/or hyperactive and impulsive behavior that limits the student's ability to

access the educational process. NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310-67312 and 84850, Education Code.

§ 56039. Intellectual Disability (ID).

Intellectual disability (ID) is defined as significant limitations both in intellectual functioning and in adaptive behavior that affect and limit the student's ability to access the educational process. An individual may have an intellectual disability when:

- a. the person's functioning level is below average intellectual ability; and
- b. the person has significant limitations in adaptive skill areas as expressed in conceptual, social, academic and practical skills in independent living and employment; and,
- c. the disability originated before the age of 18.

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

§ 56040. Autism Spectrum.

Autism Spectrum disorders are defined as neurodevelopmental disorders described as persistent deficits which limit the student's ability to access the educational process. Symptoms must have been present in the early developmental period, and cause limitation in social, academic, occupational, or other important areas of current functioning. NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310-67312 and 84850, Education Code.

§ 56042. Mental Health Disability.

Mental Health disability is defined as a persistent psychological or psychiatric disability, or emotional or mental illness that limits the student's ability to access the educational process. For purposes of this subchapter, conditions that are not described and/or excluded in the American Psychiatric Association Diagnostic and Statistical Manual (DSM) or the Americans with Disabilities Act (ADA) are not covered in this category. NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310-67312 and 84850, Education Code; 42 U.S.C. Sec. 12101; American Psychiatric Association (2013). Diagnostic and Statistical Manual of Mental Disorders (Fifth ed.). Arlington, VA: American Psychiatric Publishing.

§ 56044. Other Health Conditions and Disabilities.

This category includes all students with disabilities, as defined in Section 56002, with other health conditions, and/or disabilities that affect a major life activity, which are otherwise not defined in Sections 56032-56042, but which limit the student's ability to access the educational process. NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310-67312 and 84850, Education Code.

§ 56026. Academic Adjustments, Auxiliary Aids and Services. Academic Adjustments,

Auxiliary Aids and services are those specialized aids, devices and/or services available to students with disabilities as defined in Section 56002, which are in addition to the general services provided to all students. Such services enable students to participate in general activities, programs and classes offered by the college.

§ 56006. Determination of Eligibility.

- a. In order to be eligible for academic adjustments, auxiliary aids, services and/or instruction authorized under this chapter, a student must have a disability 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 a disability may be verified, using procedures prescribed by the Chancellor, by one of the following means: (1) observation by certificated DSPS staff; (2) assessment by certificated DSPS staff; or (3) review of documentation by certificated staff provided by appropriate agencies or certified or licensed professionals outside of DSPS.
- c. The student's educational limitations must be identified by certificated staff and described in the Academic Accommodation Plan (AAP) 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 56001.

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

§ 56008. Student Rights.

- a. Participation by students with disabilities in Disabled Student Programs and Services shall be entirely voluntary.
- b. Receiving academic adjustments, auxiliary aids, services and/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 DSPS 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 6 (commencing with Section 54600) of Chapter 5 of this Division.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310-67313 and 84850, Education Code.

§ 56010. Student Responsibilities.

- a. Students receiving academic adjustments, auxiliary aids, services and/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 related to student conduct;
 2. be responsible in their use of DSPS services and adhere to written service provision policies adopted by DSPS; and
 3. when enrolled in educational assistance classes, make measurable progress toward the goals developed for the course as established in the student's Academic Accommodation Plan (AAP) or,
 4. when the student is enrolled in general college classes, meet academic standards established by the college, as applied to all students, pursuant to Subchapter 6 (commencing with Section 55500) of Chapter 6 of this Division.
- b. A district may adopt a written policy providing for the suspension or termination of DSPS services where a student fails to comply with subdivisions (a)(2), (a)(3) or (a)(4) 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 DSPS.

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

§ 56022. Academic Accommodation Plan (AAP).

Each college shall generate an Academic Accommodation Plan (AAP) and maintain a record of the interactive process between each DSPS student and a DSPS certificated staff member regarding the academic adjustments, auxiliary aids, services and/or instruction necessary to provide the student equal access to the educational process, given the educational limitations resulting from the student's disabilities. In addition, when a student is enrolled in educational assistance classes the AAP shall define measurable progress toward the goals of each class. NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310-67312 and 84850, Education Code.

§ 56048. Staffing.

- a. Each district receiving funds pursuant to this subchapter shall ensure sufficient DSPS certificated and support staff to provide timely and effective services to eligible students with disabilities.
- b. Each district receiving funds pursuant to this subchapter shall designate a DSPS coordinator or director for each college in the district. For the purpose of this section, the coordinator or director is defined as that individual for each college in the district who has responsibility for the day-to-day operation of DSPS, which is necessary to implement Subchapter 1 of Chapter 7 of this Division. For the coordinator or director, those responsibilities shall include, but are not limited to, integration of DSPS into the college's instruction and services, the provision of academic adjustments, auxiliary aids, and services, maintaining knowledge of the legal responsibilities regarding students with disabilities participation in the educational process, and budget planning. The designated coordinator or director must meet the minimum qualifications for a DSPS counselor or instructor set forth in Section 53414(a) through (d) or meet the minimum qualifications for an educational administrator set forth in Section 53420 and, in addition, have two (2) years full-time experience or the equivalent within the last four (4) years in one or more of the following fields:
 1. instruction or counseling or both in a higher education program for students with disabilities;
 2. administration of a program for students with disabilities in an institution of higher education;
 3. teaching, counseling or administration in secondary education, working predominantly or exclusively in programs for students with disabilities; or
 4. administrative or supervisory experience in industry, government, public agencies, the military, or private social welfare organizations, in which the responsibilities of the position were predominantly or exclusively related to persons with disabilities.
- c. Persons employed pursuant to this Subchapter as counselors or instructors of students with disabilities shall meet minimum qualifications set forth in Section 53414 of Subchapter 4 of Chapter 4 of this Division.
- d. Districts receiving funding pursuant to this subchapter may also employ classified and/or paraprofessional support staff. Support staff shall function under the coordination of a DSPS coordinator or director, counselor, LD Specialist, or instructor as appropriate for the academic adjustments, auxiliary aids, services and/or instruction being provided.

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

§ 56050. Advisory Committee.

Each district receiving funds pursuant to this subchapter shall establish, for either the District or at each college in the district, an advisory committee which shall meet not less than once per year. The advisory committee shall, at a minimum, include a student with disabilities. NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310-67312 and 84850, Education Code.

A. Academic/Progress Probation

A DSP&S student who is placed on academic/progress probation, as defined in Board Policy and the college catalog, shall continue to receive DSP&S services throughout the probationary period.

B. Suspension or Termination of Services

1. In order to continue to receive special services, a disabled student must maintain regular enrollment in the college subject to the conditions of District policies on academic standards, student conduct, and the meeting of all fee obligations that apply to all students.
2. A disabled student who is in danger of suspension or termination of services shall be given a written warning identifying the standards that have been violated. The warning shall include all actions that may be taken leading to suspension or termination of services if the problems persist.
3. A disabled student who is subject to suspension or termination of services, or suspension or termination of enrollment, shall be provided with the following documents:
 - a. A copy of the policies on student conduct, academic standards, and/or other policies pertaining to the cause for suspension or termination.
 - b. A copy of the services provided to the student and the specific written intent of each DSP&S service as utilized by the student.
 - c. A copy of the documentation that details all notices and decisions sent to the student.
 - d. A copy of the appeal process with firm guidelines and due dates.

C. Dismissal/Grievance/Appeal/Readmission

1. Dismissal/Grievance/Appeal/Readmission relating to student conduct shall occur in accordance with the provisions of Board Policy.
2. Dismissal/Grievance/Appeal/Readmission relating to academic performance shall occur in accordance with the provisions of Board Policy.

References:

Title 5 Sections 56000 et seq.

Attachments:

[AP 5140 DSPS- Comments](#)

[AP 5140 DSPS- Legal Citations](#)