

# Los Medanos College Disabled Students Programs and Services

## STUDENT HANDBOOK

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## FROM OUR STUDENTS

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**Dear Student,**

Welcome! As a student at LMC, I wish you all the encouragement, success and support necessary for you to achieve your academic goals. Many individuals realize that setting and achieving academic goals are key elements not only in surviving the nineties, but also for procuring a fulfilling future. I am glad you agree that investing in yourself, by way of education, is a profitable endeavor.

Remember to maintain your endurance, patience, motivation and studiousness, since these qualities will help assure the successful completion of your goals. I encourage you to talk to students who already receive services from DSP&S. Other students can provide support and encouragement as well as share information about learning strategies and accommodations. I know from personal experience that students help shape the program, so be sure to communicate your needs to the program specialists, staff members and instructors and provide them with accurate feedback about the services you receive and need. Also, check into the other programs and services available on campus. Most importantly, become a self-advocate; this is the primary life skill that will facilitate your success in all areas of your life.

Sincerely,

**Helen R. Geddes**



The LMC Disabled Students Programs and Services (DSP&S) have made a tremendous impact on my life. When I first came to LMC, I had an undiagnosed learning disability which caused anxiety and frustration in dealing with the pressures of school. However, after I was tested and began receiving services from the program, my studies greatly improved as did my self-confidence. In addition, I have found the staff and fellow students in the program to be supportive and friendly. Therefore, I highly recommend this program to all students, for I feel it can have the same type of impact on your life.

**Jim Kolthoff**



## Just Because I'm Handicapped

Just because I'm handicapped  
It doesn't mean that I am not capable.  
It doesn't mean that I don't have a mind.  
It doesn't mean that I don't have feelings.

Just because I'm handicapped  
It doesn't mean that I should be ignored,  
Or that I am blind to others,  
Or that I don't have a caring heart for my true friends.

Just because I'm handicapped  
It doesn't mean that I don't have my own unique voice or  
that I can't speak my very own thoughts.

Just because I'm handicapped  
It doesn't mean that I can't learn,  
Or that I can't get a job and support myself.

Just because I'm handicapped  
It doesn't mean that you can't look me straight in the eye  
and come up and talk to me.  
I won't bite!

Just because I'm handicapped  
It doesn't mean that I need your pity....  
I especially do not want your pity.

Just because I'm handicapped - don't stereotype me.

Gina Terranova



## **INTRODUCTION & OVERVIEW OF PROGRAM**

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The Disabled Students Programs and Services (DSP&S) provides support services, adaptive equipment and computer technology, adaptive physical education, specialized instruction through the English and Math Departments and educational accommodations to students with disabilities. The purpose of this handbook is to describe the support services provided by the DSP&S Program, program policies and the procedures for arranging these services with a DSP&S Specialist.

Students are referred to DSP&S in a variety of ways. Instructors, counselors and staff often refer students to this program. Additionally, high school teachers and agencies, such as the California State Department of Rehabilitation also refer students to the program. Students may also request services without a referral.

How can the DSP&S Program help you, the student? By participating in the DSP&S Program during LMC enrollment, students may benefit by having better access to the total college experience. Also, students can increase their chance of success in meeting their vocational or academic goals at LMC!

Academic accommodations are based on the student's area of disability. All accommodations recommended are reasonable and appropriate for the student and for the purpose of allowing the student access.

## **PROGRAM PHILOSOPHY AND GOALS**

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It is the mission of the Disabled Students Programs and Services to facilitate access for students with all disabilities to the educational programs, student services, and activities of Los Medanos College.

Our primary goal is to help students achieve their educational/vocational goals while promoting self-advocacy and independent learning. We believe that students with disabilities should be an integral and vital part of the college community.

In addition, we are committed to providing the faculty and staff of Los Medanos College with the knowledge and support they need to provide appropriate adaptations and quality instructional experiences for individuals with disabilities.

## **ELIGIBILITY REQUIREMENTS**

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1. Students receiving services through DSP&S must be enrolled at LMC and must have a temporary or permanent disabling condition that has been verified, by an appropriate professional. The student's disabling condition must limit one or more major life activities, and also impose an "educational limitation." An educational limitation is a disability related functional limitation in the educational setting that occurs when the limitation prevents a student from fully benefiting from, classes, activities, or service offered by the college without specific additional support services or instruction. Examples of disabilities include physical, communication, acquired brain injury, psychological, developmentally delayed learning and learning disabilities.
2. Students must possess the ability to respond appropriately to questions, follow directions, and demonstrate the potential to benefit from college programs and services.
3. Students must demonstrate appropriate adaptive and/or self-help behavior. This includes providing their own personal attendant care. DSP&S staff will not provide this service.
4. Students must demonstrate annual measurable academic progress. Failure to do so may result in termination of services.
5. Students requesting services and/or academic accommodations offered at LMC need to arrange an appointment with a DSP&S counselor or learning disability specialist and complete an application for services. DSP&S will then establish a Student Educational Plan and verify the disability by using one of the following means:
  - a. Review of documentation provided by appropriate agencies or certified or licensed professionals outside of DSP&S;
  - b. Assessment by appropriate DSP&S professional staff;
  - c. Observation by DSP&S professional staff with review by DSP&S Program Coordinator.

Once a student's disability has been verified, the DSP&S professional will identify the educational limitations, document them in the Student Educational Plan and review and update the Educational Plan annually.

1. Services may be denied if it is determined that a student does not meet one or more of the above eligibility criteria.
2. Students seeking to appeal the denial of services should seek remedy through the Coordinator of DSP&S. If after consulting with the DSP&S Coordinator, students are still not satisfied, they may appeal to the Dean of Student Development or the Senior Dean of Student Services/504 Coordinator of Student Services/ADA 504 Coordinator (for issues involving discrimination or sexual harassment). This procedure is set forth in this Handbook in the section, Summary of Student Rights to Accommodations and Appeals Process.

## **DESCRIPTION OF SUPPORT SERVICES AND ACADEMIC ACCOMMODATIONS**

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Support Services are services such as academic advising or tutoring which assist you in developing and achieving your educational goals.

Academic Accommodations are adjustments to regular educational practices that are customary for most students, but which need to be modified to accommodate the needs of an individual with a disability. For example, some academic accommodations are the use of adaptive equipment, enlargement of printed materials, or alternative arrangements for taking exams.

To arrange support services and accommodations, students should make an appointment with a DSP&S Specialist. Coordinating these services may take some time and it is advised that students make these arrangements when they complete their Student Educational Contract (SEC) with a DSP&S Specialist.

The following is a description of the support services/academic accommodations offered through DSP&S:

### **Academic Advising**

Students meet with a DSP&S Counselor each semester to develop a Student Educational Contract (SEC). During this meeting, the counselor recommends courses for the following semester and appropriate support services/academic accommodations. The counselor will also refer the student, as needed, to other programs and services on and off campus.

Students are advised to meet with an academic counselor, prior to meeting with a DSP&S Specialist, to plan their educational goals.

### **Priority Registration**

Upon completion of the SEC, students may choose to participate in advanced registration for courses. This priority registration allows additional time for coordinating support services and ensures that you will be able to enroll in the course sections you have planned with your DSP&S Specialist.



## **Assessment for Learning Disabilities**

This assessment is done at no cost to the student, on an individual basis and is confidential. A DSP&S Learning Disabilities (LD) Specialist will discuss the results of the assessment with you and make recommendations for classes and support services, which will help you deal with learning difficulties. Having a learning disability does not mean that you cannot achieve your goals. There are many strategies for success!

Assessment for learning disabilities services includes both group and individual appointments. If a student has never been tested for learning disabilities, the testing process requires several appointments and takes approximately six to nine hours to complete. The last appointment will include assessment results and a written report for the student.

Students in high school special education programs or 504 programs may also be asked to complete some testing. You should meet with either a DSP&S Counselor or LD Specialist to discuss eligibility.

Please note that students with some physical disabilities, such as Multiple Sclerosis (MS), which affect brain activity, cannot be tested for Learning Disabilities.

## **Liaison with Instructors**

A DSP&S Specialist may make recommendations for academic and classroom accommodations for a student with disabilities. The purpose is to communicate learning needs and to outline support services or academic accommodations to instructors. In order to promote self advocacy and good communication with instructors, a DSP&S Specialist may assist students with disabilities prepare a "Memo to Instructor" form during the SEC appointment. It is recommended that students schedule an appointment with each of their instructors he/she wishes to inform about his/her learning needs or accommodations. Instructors can contact a DSP&S Specialist for more information, if necessary; however, students must have given DSP&S permission to release this information.

## **Specialized Instruction in Reading/Writing/Math**

DSP&S offers specialized classes in reading, writing and math. These courses are designed to use multimodality strategies to strengthen basic skills in these areas. These courses are taught by a DSP&S Specialist.

## **Specialized Tutoring**

Special support tutoring services are available from DSP&S. These services are provided in addition to the regular college tutoring offerings. A DSP&S Specialist may recommend students for special support tutoring.

Students must complete a "Tutoring Services Request" form available in the DSP&S Office, each semester. Tutoring is dependent upon student need and tutor availability.

Tutoring from DSP&S is not a required accommodation under the Americans with Disabilities Act (ADA) and is not guaranteed for all students who request tutoring nor will tutoring be offered when sufficient financial resources are not available.

## **Adaptive Physical Education Classes**

The Adaptive Physical Education course is designed to meet the needs of the physically limited student. This course can provide activities in three major areas:

- General Strengthening/conditioning
- Hydrotherapy/swimming
- Cardiovascular conditioning

## **Technology**

The DSP&S Program provides training for adaptive software and hardware so students can access class materials. Students may take the Learning Skills (LRNSK) 70 Adaptive Computer Technology class to gain knowledge of basic computer skills and adaptive equipment. Students may make individual appointments with the Alternate Media Specialist for additional assistance. Assistive Computer Technology is also available in open computer labs throughout LMC.

## **Interpreters/Captioning Services**

Qualified sign language interpreters and captioners are available to provide interpretive services for students. Students must request interpreter or captioning services and complete an interpreter/captioning contract with the DSP&S Coordinator.

## **Note Taker Services**

Most often, note takers are students enrolled in your class who volunteer to take lecture

notes on special duplication paper provided by DSP&S. Students are also advised, whenever possible, to tape record course lectures.

## **Disabled Parking Services**

There are parking spaces designated for disabled persons' vehicles that display a specialized plate or placard as per California Vehicle Code. Temporary disabled parking permits may be issued for persons with minor injuries that require disabled parking for brief periods of time (not longer than five days). These can be obtained from the DSP&S office. Temporary disabilities requiring disabled parking for longer periods of time may be obtained from the California Department of Motor Vehicles according to the California Vehicle Code.

## **Service Animals**

It is the policy of the Los Medanos College to permit qualified individuals with disabilities the use of service animals on the Los Medanos Campus and any of its extension facilities.

## **Scribe Services**

DSP&S will provide a scribe for those students who require assistance writing in their classes or for course work when assistive technology cannot meet the accommodation need. Students must request a scribe from a DSP&S Specialist.

## **Alternate Media Materials**

If assistance is needed in reading due to a visual impairment or severe reading disability, a student may request recordings of course material or textbooks from the Alternate Media Specialist. Enlargement of classroom materials and texts and Braille materials are also provided through the Alternate Media Specialist. Further assistance in requesting textbooks in an alternative media format can be provided for by DSP&S. Please make these arrangements as early as possible.

In order to receive alternate media materials for a textbook, regardless of format (audio, enlarge print, or Braille), **the student must have purchased a copy of the text.**

## **Mobility Assistants**

Students that may need assistance with mobility must request mobility assistance at the SEC conference with a DSP&S Specialist. This will not include any non-instructional activities.

## **Alternative Arrangements for Exams**

Students that may need extra time for taking tests in a quiet location may arrange these accommodations with the Instructional Aide in the DSP&S Testing Center. These accommodations need to be arranged in advance and agreed to by the instructor. Students must complete a Test Accommodations form for each course they are requesting alternate arrangements for exams and make arrangements at least a week prior to each exam.

Depending on the student's educational limitations, accommodations may include but are not limited to: extended time for exams, distraction reduced setting, an audio version of the exam, use of a calculator, multiplication tables, spell checker or computer, testing breaks, testing with formulas or notes or testing given orally. Any testing accommodations are based on an individual's educational limitations.

## **Accommodation in Clinical Settings**

Students involved in programs that have a clinical-component are entitled to reasonable accommodation in the clinical setting as well as the academic setting. Students must discuss the accommodations they are requesting for their clinical placements with their DSP&S counselor. DSP&S will engage in the interactive process with the students to decide whether the student needs accommodations in the clinical placement. DSP&S will inform the clinical placement agency and the clinical instructor of the recommended accommodations, and DSP&S will coordinate implementation of the accommodations with the clinical placement and clinical instructor. For clinical placements, if DSP&S has approved the proposed accommodation and the clinical placement cannot implement it, LMC shall do one or more of the following: (1) work with the placement to implement the accommodation or negotiate implementation of an equally effective alternative; (2) place the student in another placement that is equally effective for the student; or (3) end the relationship with the placement.

## **Absence Notification**

A student should notify his/her instructors if he/she is unable to attend class. Notification by voice mail or email is available for students. This information is generally located in an instructor's first day handout.

# **ACADEMIC ADJUSTMENT PROCEDURES AND STUDENT RIGHTS APPEAL PROCESS**

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## **GENERAL PROVISIONS - HOW TO ENROLL IN THE DISABILITY AND EDUCATIONAL SUPPORT PROGRAM**

### **New Students**

If you are new to LMC and/or the DSP&S program, you should begin by scheduling an appointment with a counselor by calling (925) 439-2181, extension 3133.

### **What to Bring to Your First Appointment**

Bring any of the following documents that you might have: your most current written verification of disability, medical report and/or, if applicable, Department of Rehabilitation Plan or high school IEP. *(We recommend you make copies of all documents and submit the copies.)*

To make the most of your appointment, it is important that you be on time. If you must cancel, please call as soon as possible. If you do cancel, be aware that it may take a while before you can reschedule.

### **Continuing Students**

Continuing students who will be using the same services as in their previous semester(s) must meet with a DSP&S counselor at least once a year to maintain eligibility for services. If you want to request a service that was not previously authorized, you must meet with a DSP&S counselor or a learning disabilities specialist for authorization.

### **Returning Students**

Students who have not been enrolled at LMC for a year or more need to schedule an appointment with a DSP&S counselor to reactivate their file and reauthorize services. If you have been away for more than five years, your file has likely been destroyed and you must enroll as a new student by resubmitting documentation of disability. (See New Students above.)

## **Procedures for Requesting Academic Accommodations**

1. Student meets with a DSP&S counselor or DSP&S faculty specialist to establish eligibility for academic accommodations.
2. Counselor/specialist will fill out necessary paperwork documenting authorized accommodations.
3. If there is any difficulty in providing the necessary accommodations, the Counselor/Specialist will consult with the DSP&S Coordinator to resolve the difficulty.
4. LMC policy is to provide students with academic adjustments, educational auxiliary aids, and accommodations to ensure that students are not discriminated against on the basis of disability. However, LMC is not required to modify academic requirements that are essential to an academic program or to a directly related licensing requirement that would result in the lowering of academic or technical standards, or to make modifications that would fundamentally alter the nature of the program. In addition, LMC is not required to make accommodations that would cause the College to incur undue administrative or financial burden. LMC will give primary consideration to the academic adjustment, auxiliary aid or other accommodation requested by the student, but may consider equally effective alternatives in consultation with the student. ‘
5. DSP&S students are responsible for identifying themselves to the appropriate instructors, providing them necessary paperwork documenting approved accommodations, and discussing the accommodation process. DSP&S will not notify a student’s instructors about the student’s approved accommodations unless requested to do so by the student.
6. Students may request accommodation without utilizing the services of DSP&S. However, it is highly recommended. If a faculty member is requested directly by a student for an accommodation, the faculty member must communicate with DSP&S regarding the procedure for verification of the disability and the ways in which to implement the requested accommodation. No decisions to implement or deny adjustments should be made unilaterally by the instructor.
7. Procedures for Determining Whether Proposed Accommodation Is an “Undue

## Burden”

In determining whether a proposed accommodation is an undue burden, LMC shall apply the following legal standards:

- a. LMC recognizes that the burden is on the College to establish that undue financial or administrative burden exists;
- b. A decision that a proposed accommodation 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 acting Dean.
- c. The Dean shall first consider all resources available for use in the funding and operation of the applicable Department or Program.
- d. The Dean shall consider the following factors: (1) the nature and cost of the accommodation requested; (2) the overall financial resources of the Department; (3) the number of persons employed in the Department; (4) the effect of the accommodation on expenses and resources of the Department; (5) legitimate safety requirements that are necessary for safe operation; (6) any other significant impacts on the department\_including employee rights under applicable collective bargaining agreements; (7) the geographic separateness and the administrative or fiscal relationship of the department to the District; (8) the overall size and financial resources of the District; and (9) the goals and purpose of the District in educating a large and broad number of students. For clinical placements, the Dean shall also consider and consult with the clinical placement facility regarding the logistics of implementing the accommodation.
- e. If it is determined that the proposed accommodation is an undue burden, the Dean shall provide a written statement of the reasons for reaching that conclusion.
- f. When there arises a direct and unavoidable conflict between a necessary accommodation for a student and a provision of one of the College’s collective bargaining agreements, to the extent that the collective bargaining agreement is an equal or superior source of law, this conflict will be taken into account in determinations of undue burden. Where undue burden is established, the President of the College will certify this determination, record in writing the determination and its basis, and provide a copy of the written determination and basis to the student. The College will not take more than

fifteen (15) instructional days to reach its determination and will provide the student with interim accommodations as effective as possible without entailing the alleged conflict.

Whenever the President concludes that undue burden has occurred, the College will engage with the student in an interactive process to determine whether there is an equally effective alternative accommodation that does not entail an unavoidable conflict with any legally equal or superior provision of the collective bargaining agreement.

Whenever the President concludes that undue burden has occurred, the student will also be advised of his/her right to file a grievance under the College's Section 504/ADA disability grievance procedure as well as his/her right to file a complaint with the U.S. Department of Education, Office for Civil Rights.

- g. For clinical placements, if LMC has approved the proposed accommodation, and the clinical placement cannot or will not implement it, LMC shall do one or more of the following: (1) work with the placement to implement the accommodation or negotiate implementation of an equally effective alternative; (2) place the student in another placement that is equally effective for the student; or (3) end the relationship with the placement.

#### 8. Procedures For Determining Whether An Accommodation Would Fundamentally Alter College Academic Requirements

To be successful in a course or program, each student must achieve the required outcomes of the course or program by demonstrating that he or she has mastered the essential skills and knowledge for that course or program. Students with disabilities are not excused from this requirement. However, they are entitled to acquire and demonstrate this knowledge and these skills while using academic adjustments and auxiliary aids (accommodations).

There may be instances where a College faculty or Disabled Students Programs and Services member believes that providing an accommodation requested by a student with a disability would fundamentally alter the course or program requirements for that student. This may arise when the student initially requests an accommodation from DSP&S or be raised by an instructor after DSP&S approves an accommodation. For example, a student may request as an accommodation a course substitution for a course that a faculty member believes is essential to the program in which the student is enrolled or believes that the course proposed for substitution fails to provide



knowledge of an equivalent value. Or, a student may request as an accommodation a modification to a particular course, such as requesting that the student be tested only with essay questions when the instructor only uses multiple choice questions. These are case-by-case determinations that may vary, for example, based on the major area of academic concentration.

If DSP&S, an instructor, or the department raises a concern about fundamental alteration, DSP&S, in conjunction with the department chair and applicable Dean, will determine whether the accommodation or an equally effective alternative will be implemented pending a review and determination by the College as to whether the accommodation would be a fundamental alteration of a program requirement.

The Factors to be considered in determining whether an accommodation is a fundamental alteration shall include the following:

- a. 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)?
- b. How is the purpose or objective related to the requirements for the student's program or degree?
- c. What skills and knowledge must be mastered by students who take the course, or enroll in or complete the degree/program?
- d. What is the minimum level of mastery that must be demonstrated by students?
- e. What are the reasons for the chosen instructional methods, evaluation methods, and evaluation requirements?
- f. Are the answers to these questions generally consistent between all instructors of a course, or in a program?

#### 9. Process to Determine Whether Accommodation is a Fundamental Alteration

If a student seeks an accommodation that either DSP&S, a faculty member, or the department believes would be a fundamental alteration of a College academic requirement, the Senior Dean of Student Services/504 Coordinator of Student Services/504 Coordinator will implement the following process in a timely manner to

resolve the question:

- a. The Senior Dean of Student Services/504 Coordinator will determine whether there is a reasonable (logical and credible) basis for the position that implementing the accommodation would result in a fundamental alteration of a requirement; the objection to the accommodation cannot be merely a pretext for discrimination. If there is no reasonable basis, the Senior Dean of Student Services/504 Coordinator will require that the accommodation be implemented immediately. (For example, a faculty member objects to an accommodation that has routinely been allowed, and offers no new information to support the objection; or the faculty member objects to the accommodation on an impermissible basis, such as the faculty member does not believe the student really has a disability, which should be decided by DSP&S).
- b. If a reasonable basis exists, the Senior Dean of Student Services/504 Coordinator will verify that the instructor, department, and/or program have articulated the essential requirements for the course and/or program and provided notice of them to students.
- c. The Senior Dean of Student Services/504 Coordinator 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 accommodation methods. The committee will not be limited exclusively to individuals from the department that provides the course or program.
- d. 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 ensure that the requirement is not simply based on tradition or routine practice without direct connection to essential requirements.
- e. The committee will consider whether the requirement is consistent with similar programs at other educational institutions, and with relevant national and expert guidelines; and whether there is any unique justification for a requirement that is not generally adopted by other educational institutions.
- f. The committee will consider information provided by the student relevant

to determining whether notice of the essential requirement in question has been provided to the student, and whether the accommodation requested by the student would invalidate or is significantly inconsistent with the objective of the requirement.

- g. The committee will determine whether the accommodation requested by the student would invalidate or is significantly inconsistent with the objective of the requirement. If not, the accommodation will be implemented.
- h. If the requested accommodation would invalidate or is significantly inconsistent with the objective of the requirement, the committee (or designated members) will promptly and diligently search for alternate accommodations in consultation with the faculty member, DSP&S, and the student. The committee will address the following: (i) are there alternate ways that the student can acquire or demonstrate mastery of the skill that would meet the same fundamental objectives of the course or program; (ii) has the Department/College diligently searched for potential alternatives?; (iii) has the Department/College included all necessary people in the search; (iv) has the Department/College identified whether other postsecondary institutions have identified alternatives that achieve the objectives of the College without fundamentally altering requirements?
- i. If identified, alternate accommodations not entailing a fundamental alteration or an undue burden will be implemented. (Final undue burden decisions can only be made by the President of the College.)
- j. The Senior Dean of Student Services/504 Coordinator 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. The Senior Dean of Student Services/504 Coordinator will also facilitate any discussions between the student and the committee, department, program or instructor, and DSP&S, concerning accommodations for the student.

### **Subsequent Requests for Accommodation/Adjustment**

If after the initial adjustment meeting has been held and the academic adjustments have been established, and the student believes that additional and/or modified adjustments are called for, the student must meet with his/her DSP&S counselor to discuss the reason for the requested adjustment. The counselor will then consult with the instructor,

review relevant documentation (including medical and academic documentation), and revise the list of approved academic adjustments as necessary. The counselor will then revise the list of approved academic adjustments as necessary. The counselor will then communicate the revised academic adjustments to the instructor(s).

## **POLICY FOR SUSPENSION OR TERMINATION OF DSP&S** **SERVICES LEGAL RESPONSIBILITIES OF DSP&S**

Title V Section 50101b of the California Code of Regulations indicates that a district may adopt a written policy providing for the suspension or termination of DSP&S services when a student fails to comply with responsible use of DSP&S services, service provision policies and measurable progress policies. Such policies shall provide for written notice to the student prior to 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 DSP&S. In meeting its responsibility to wisely utilize resources so that all students can receive equitable services, Disabled Students Programs & Services (DSP&S) at Los Medanos College (LMC) has a charge to see that services are used in a responsible manner. Accordingly, policies must be established that determine the eligibility status of students receiving services. Likewise, DSP&S has the responsibility of establishing requirements for measurable progress. If students do not adhere to the established policies or if a lack of measurable progress is observed, the student will be notified of the possibility of cessation of DSP&S services. If the student continues not to adhere to policies or make measurable progress, DSP&S is responsible to discontinue service and refer the student to more appropriate services or to a more appropriate learning environment. There are two ways that eligible students may be denied services through DSP&S: 1) lack of measurable progress, and 2) inappropriate use of services.

### **Measuring Progress**

A lack of measurable progress may be defined in any of the following ways and may result in complete loss of DSP&S services:

1. Enrollment in LMC courses with appropriate accommodations for three consecutive semesters, but unable to pass them (i.e., receiving W and/or NC and/or D&F grades for all courses).
2. Failure to meet LMC's academic standards as defined by reaching a college status of Academic Dismissal or Progress Dismissal.

3. Failure to conform to the LMC student conduct standards. Student conduct is governed by rules designed to preserve both individual and community freedoms. The individual student, in order to learn and grow, must enjoy freedom of expression and action. The academic community, if it is to properly serve the student, must enjoy freedom from disruption. Students enrolling in the College assume an obligation to conduct themselves in a manner compatible with the College's function as an educational institution. The following acts constitute misconduct for which College students are subject to discipline and suspension. Such misconduct, whether committed while on campus or off campus, at functions supervised or sponsored by the College, is subject to disciplinary sanctions (Ed. Code sections 76032 and 76033) administered by the College.

- Continued disruptive behavior, continued willful disobedience, habitual profanity, or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel.
- Assault, battery, or any threat of force or violence upon a student or college personnel.
- Willful misconduct which results in injury or death to a student or college personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the District.
- The use, sale, or possession on campus of, or presence on campus under the influence of, narcotics, other hallucinogenic drugs or substances, or any poison classified as such by Schedule D in Section 4160 of the Business and Professions Code.
- Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the Governing Board.
- Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
- Dishonesty, such as cheating, plagiarism, or knowingly furnishing false information to the College.
- Forgery, alteration, or misuse of College documents, records, or identification.

- Theft or damage to property of the College, of members of the college community or of college visitors.
- Unauthorized entry to or use of college facilities.
- Violation of College policies or regulations, including regulations concerning the formation and registration of student organizations, the use of college facilities, or the time, place and manner of public expression.
- Gambling on College property.
- Conduct off campus inimical to the welfare and well-being of the College community.

**Student Conduct Standards, 2009 - 2010 Los Medanos College Catalog, page 25**

4. Failure to make progress toward the goals outlined in the student's Student Educational Contract (SEC) for two consecutive semesters.

### **Inappropriate Use of Services**

According to Title II of the Americans with Disabilities Act (ADA) and the Office of Civil Rights (OCR) guidelines for Personal Aids and Services, LMC is not required to provide services of a personal nature for students. "Personal attendants and individually prescribed devices are the responsibility of the student who has a disability and not of the institution. For example, readers may be provided for classroom use, but institutions are not required to provide readers for personal use or for help during individual study time. (OCR Auxiliary Aids and Services for Postsecondary Students with Disabilities)."

Services such as readers, writers and mobility aids provided outside classroom and examination time are considered personal attendants.

Inappropriate use of services is defined as a failure to comply with the policies and procedures of individual services that students are using. Failure to comply with the terms stated within each specific service area may result in the termination of that service.

1. Services that have been used inappropriately may be terminated at any time.

2. Prior to the termination of a service, the student will be notified in writing of the manner in which she/he has used the service(s) inappropriately and of his/her right to meet with the DSP&S Specialist/Counselor to discuss the area of concern.
3. As a result of this meeting or where the student declines participation, the Specialist/Counselor may propose options, which include but are not limited to a termination of service, a continuation of service, a continuation subject to review. At the time of the meeting with the Specialist/Counselor, the student will be asked to sign off on the Warning of Suspension or Termination Contract which outlines the guidelines for continuing services.
4. If the Specialist/Counselor proposes termination, the student will be advised of his/her right to appeal to the College's Affirmative Action Officer and will be given information about this process. If the student does not appeal or appeals but fails without good reason to use the appeal process, the service will be terminated within 10 days after the date of appeal.
5. Terminated services may be reinstated during the current semester only on the authorization of a DSP&S Specialist/Counselor, and only if there are extenuating circumstances which warrant the reinstatement of the service.
6. Reinstatement of services for subsequent semesters will be considered on a case-by-case basis.

**Los Medanos College Summary of Students Rights to  
Accommodations and Appeals Process**

1. Disagreement at the DSP&S Level.

A student, who disagrees with a decision made by the DSP&S concerning whether the student is a qualified individual with a disability, the functional limitations of the disability, or approved accommodations, may take the following steps:

- a. Make an appointment with the DSP&S coordinator and discuss the disputed decision with the coordinator, and provide necessary information. The coordinator will inform the student in writing within ten (10) calendar days whether the coordinator decides to change or uphold the original decision.
- b. If the student disagrees with the DSP&S coordinator's decision, the student

may file a written appeal to the Dean of Student Development. The appeal must contain the decision that the student disagreed with, and the reasons for the disagreement. The Dean of Student Development will contact the student and DSP&S staff to gather relevant information and will provide a response to the appeal within ten (10) calendar days of the date the appeal was received.

- c. If the student disagrees with the Dean's decision, the student may file a complaint pursuant to the District's unlawful harassment and discrimination policy, which is available online or by contacting the Senior Dean of Student Services/504 Coordinator of Student Services.

## 2. Disagreement At Instructor Level

- a. If an instructor fails to implement an accommodation for a student that has been approved by DSP&S, the student should promptly notify the student's DSP&S counselor or the DSP&S coordinator. LMC encourages students to first discuss the issue with the instructor. When DSP&S receives information from a student that an instructor is not implementing an approved accommodation, LMC will take the following steps:
  - (i) Attempt to resolve the matter with the instructor. Any proposed resolution may include discussions with the student, if appropriate.
  - (ii) If the matter is not resolved with the instructor within five (5) calendar days, the DSP&S coordinator will ensure that the student's approved accommodations are implemented pending final decision in the matter. If the instructor or District raises the issue of undue burden or fundamental alteration, LMC will follow the procedures set forth in this Handbook under Procedures for Requesting Academic Accommodations for addressing these issues.
  - (iii) The DSP&S coordinator will refer the matter to the Dean of Student Development, who will consider the DSP&S basis for the approved accommodations, the instructor's objections, and reasons therefore, and will issue a final decision within ten (10) calendar days of receiving the referral from the DSP&S coordinator.
  - (iv) If the student disagrees with this disposition, the student may file a complaint pursuant to the District's anti-harassment and discrimination policies.



## **Confidentiality**

All disability-related contacts with the DSP&S office and resulting information remain confidential unless a student signs a specific written release to share that information. In addition, DSP&S shares information with other appropriate Los Medanos College faculty members or staff ONLY to the extent that it is necessary to facilitate the student's educational process and at all times is sensitive to the student's right to privacy and confidentiality. DSP&S will ask for student permission to obtain appropriate documentation to verify eligibility for services.

## **Liaison to Campus and Community**

For reasons of confidentiality, DSP&S staff members will not discuss a student's disability with either faculty or staff without the student's permission. As a result, students are encouraged to talk with their instructors about their specific accommodation needs. When requested by a student, DSP&S staff may intervene on the student's behalf to facilitate provision of services or to help students communicate their needs to others. Also, DSP&S staff may help students obtain services in the community by providing information and, in some cases, introductions to community resources.

## **Absence Notification Guidelines**

### **Classes:**

It is the student's responsibility to notify instructors of any absences. If the absence is related to your disability or medical condition, you must contact your DSP&S counselor and make a request for subsequent modification/adjustment. You may request that the counselor assist you in contacting instructors if you are not able to do so yourself

### **Services:**

Students receiving support services (interpreters, mobility assistance, testing accommodations, etc.) must notify the DSP&S office of their absence prior to the time these support services are scheduled to be delivered. Three (3) failures to do so may result in termination of the service. For student's convenience, messages may be left at: (925) 439-2181 ex 3133.

## Laws

### **Section 504 of the Rehabilitation Act of 1973**

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against individuals with disabilities in recruitment, admission and treatment after admission. It mandates all recipients of federal funding to make adjustments and accommodations in their programs and activities in order to provide qualified individuals with disabilities with opportunities equal to those enjoyed by individuals without disabilities.

### **Section 508 Amendment to the Rehabilitation Act of 1973**

Section 508 amended the Rehabilitation Act to require federal agencies to make electronic and information technology accessible to individuals with disabilities. It provides students with disabilities access to electronic and information technology comparable to the access available to students without disabilities.

### **Americans with Disabilities Act of 1990 (ADA)**

The Americans with Disabilities Act of 1990 (ADA) extends federal civil rights protection in several areas to people who are considered disabled. To be considered disabled under the ADA, a person must have a condition that impairs a major life activity, or a history of such a condition, or be regarded as having such a condition. A disabled person must be qualified for the job, program or activity to which she/he seeks access. That means the person must be able to perform the essential functions of the job or meet the essential eligibility requirements of the program or benefit. Reasonable accommodations provide students with adjustments that assure equal rights and privileges.

Full text of these laws can be found on: [www.usdoj.gov](http://www.usdoj.gov).

## **WARNING OF SUSPENSION OR TERMINATION OF DSP&S SERVICES**

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I have reviewed these procedures and policy with

\_\_\_\_\_  
Name of Student

\_\_\_\_\_  
SSN

and have warned the student, that further failure to meet one or more of the requirements listed below may lead to suspension or termination of some or all DSP&S services.

\_\_\_\_\_  
Signature of DSP&S Specialist/Counselor

\_\_\_\_\_  
Date

DSP&S has informed me that I have not met one or more of the following requirements:

Appropriate use of DSP&S services and adherence to written service provision policies adopted by DSP&S.

Explanation: \_\_\_\_\_  
\_\_\_\_\_

Make measurable progress toward the goals established in my Student Educational Contract or meet academic standards established by the College, and/or meet the Code of Conduct established by LMC.

Explanation: \_\_\_\_\_  
\_\_\_\_\_

I understand that if I fail once more to meet one or more of these requirements, DSP&S services may be suspended or terminated.

\_\_\_\_\_  
Signature of Student

\_\_\_\_\_  
Date

# Important Phone Numbers DSP&S Program Staff



JENNIFER GARCIA, INSTRUCTIONAL ASSISTANT DSP&S Testing Center <a href="mailto:jgarcia@losmedanos.edu">jgarcia@losmedanos.edu</a>	(925) 439-2181, ext. 3106
JIM KOLTHOFF, ALTERNATE MEDIA SPECIALIST DSP&S Assistive Technology Center <a href="mailto:jkolthoff@losmedanos.edu">jkolthoff@losmedanos.edu</a>	(925) 439-2181, ext. 3279
GINNY (VIRGINIA) RICHARDS, DSP&S COORDINATOR/LD SPECIALIST <a href="mailto:vrichards@losmedanos.edu">vrichards@losmedanos.edu</a>	(925) 439-2181, ext. 3221
SYLVIA BENZLER, ADMINISTRATIVE ASSISTANT DSP&S Program Office <a href="mailto:sbenzler@losmedanos.edu">sbenzler@losmedanos.edu</a>	(925) 439-2181, ext. 3133
STEPHANIE FOLEY, DSP&S Counselor <a href="mailto:sfoley@losmedanos.edu">sfoley@losmedanos.edu</a>	(925) 439-2181, ext. 3353
SOPHIA RAMIREZ, DSP&S Counselor sramirez@losmedanos.edu	(925) 439-2181, ext. 6207
<b>DSP&amp;S COUNSELING APPOINTMENTS</b>	(925) 439-2181, ext. 3133

## Student Services

LOS MEDANOS COLLEGE	(925) 439-2181;	(925) 439-5709, TDD
LOS MEDANOS COLLEGE BRENTWOOD CENTER	(925) 513-1625	
LOS MEDANOS COLLEGE BOOKSTORE	(925) 439-2056	
CAREER/ASSESSMENT CENTER	(925) 439-2181, ext. 3252	
EMPLOYMENT CENTER	(925) 439-2181, ext. 3330/3331	
EOP&S	(925) 439-2181, ext. 3138	
FINANCIAL AID	(925) 439-2181, ext. 3292/3291	
TRANSFER CENTER	(925) 439-2181, ext. 3124	
GENERAL COUNSELING APPOINTMENTS	(925) 439-2181, ext. 3334	

