

DISABLED STUDENT PROGRAMS AND SERVICES (DSPS)

The Disabled Student Programs and Services (DSPS) office provides support services, academic advisement, and educational accommodations to students with disabilities to ensure equal access to education pursuant to Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. The student's specific disability must be verified, and their approved academic accommodations are in direct relation to an educational limitation that impedes the student from fully participating in general education. For more information visit a campus site below or the DSPS website (<https://msjc.edu/asc/>).

San Jacinto Campus (SJC)

Rm. 1112

Phone: (951) 465-7969

Office Hours: Monday - Thursday 8:00am to 4:30pm

Friday - 8:00am to 12:00pm Virtual

Menifee Valley Campus (MVC)

Building 827

Phone: (951) 465-7969

Office Hours: Monday - Thursday 8:00am to 4:30pm

Friday - 8:00am to 12:00pm Virtual

Temecula Valley Campus (TVC)

Second Floor

Phone (951) 465-7969

Office Hours: Monday - Thursday 8:00am to 4:30pm

Friday - 8:00am to 12:00pm Virtual

Substitution/Waiver Substitution/Waiver of Associate Degree or Certificate Requirements POLICY AND PROCEDURES

FOR STUDENTS WITH DISABILITIES

Policy:

Mt. San Jacinto Community College District (MSJCCD) acknowledges that a disability may preclude a student from demonstrating required math, reading and/or writing competencies or from completing the requisite courses for an Associate degree or certificate in the same manner as a nondisabled student. The District also recognizes its responsibility to accommodate to the greatest extent possible students with documented disabilities while maintaining the standards of academic rigor for all degree programs and without compromising a disabled student's course of study.

MSJCCD intends that all of its graduates master the competencies required by Title 5 of the California Administrative Code and complete the courses required for graduation. The District recognizes that most disabilities which prevent a student from completing a course can be overcome by altering the methods of course delivery and providing appropriate accommodations for students with documentation of related disability.

MSJCCD has set up four sequential levels of accommodation.

1. Accommodation Level I involves a good faith effort to complete the course with assistance; for example, use of authorized academic accommodations, tutoring, and auxiliary aids. The students' good faith effort will be determined jointly by the instructors of record and the Disabled Student Programs and Services (DSPS) Director.
2. Accommodation Level II may include a supported version of the course if such a version is offered by the department, such as MATH 96 with Supplemental Instruction (SI), which is offered through the mathematics department.
3. For some students with disabilities, such accommodations and alterations of course delivery will not be sufficient to enable him/her to complete the course. For these students, Accommodation Level III may be available, namely, a course substitution considered on a case-by-case basis under the conditions described below.
4. Only in the most extreme cases and after all other levels have been attempted, Accommodation Level IV may be available. This consists of a course waiver.

If a student with a documented disability can demonstrate to the DSPS Director that every available Accommodation Level I and II is insufficient to enable him/her to complete the course, or if the student can demonstrate to the DSPS Director that his/her disability is of such magnitude that any attempt at completing a course at Accommodation Level I or II would be futile, that student may appeal by submitting a petition to the Appeals Committee. After accepting the petition request, the Appeals Committee will meet to determine whether (1) to accept or reject the DSPS Director's recommendation and/or (2) to determine whether a course substitution or, as a last resort, a course waiver is more appropriate.

A good faith effort to meet the graduation requirement includes

(1) consistent and persistent effort in attempting course work; (2) regular attendance, completion of all assignments; (3) use of all appropriate and available services such as tutorial assistance or instructional support classes; and (4) use of all appropriate and available academic adjustments such as test accommodations.

It is up to the Academic Department to develop a list of acceptable substitutions. The Appeals Committee will (1) review the DSPS Director's recommendation that the disabled student's situation precludes Accommodation Levels I and II, and (2) determine if such a substitute or waiver will still meet the required competencies.

A course substitution (Accommodation Level III) will be allowable only if the Appeals Committee determines that the course in question is peripheral to the student's program of instruction, major or licensing requirements, and that the student has no chance of completing the course even with all Level I and Level II accommodations the District offers. A waiver (Accommodation Level IV) will only be considered when there is evidence that a satisfactory course substitution cannot be found and there are no viable alternatives as determined by the sub-committee. ("Academic requirements that the District can demonstrate are essential to the program of instruction being pursued by the student, or directly related to licensing requirements, will not be regarded as discriminatory." Volume 34 of the Code of Federal Regulations 104.44(a)) NOTE: Students will be informed in writing that a substitution or waiver granted by MSJC may not be recognized by any other educational institution to which the student may attempt to transfer.

ADMINISTRATIVE REGULATIONS

Procedures:

1. A student seeking accommodations in completing a course due to a documented disability shall request assistance from the DSPS Director. The student may present to the DSPS Director a previous assessment of his/her disability.
2. The DSPS Director will assess and document the extent of the disability (considering whatever evidence, if any, the student presents from prior assessments of his/her disability). Depending on the severity and educationally related functional limitations of the assessed disability, the DSPS Director shall recommend appropriate Accommodations Level I, Accommodations Level II, or appropriate auxiliary aids. If the DSPS Director concludes that the severity of the disability warrants a course substitution or, in the most extreme cases, a course waiver (or if the student believes he/she is sufficiently disabled, but the DSPS Director does not), he/she submits a petition to the Appeals Committee.
3. The Appeals Committee shall have the following members:
 - a. Dean of Students Services
 - b. The MSJCCD DSPS Director, or designee
 - c. A college Counselor (to review the student's most current Student Educational Plan)
 - d. The college's evaluation officer (as needed for transcript/graduation information)
 - e. The Director of Enrollment Services
 - f. The college's articulation officer (as needed for transfer eligibility information)

This committee shall hear the case brought by the disabled student seeking course substitutions or waivers under any one of the following conditions:

- a. The student, having made a good faith effort to complete the required course in question and having availed him/herself of the Level I and Level II accommodations recommended by the DSPS Director, has been unable to satisfactorily complete the course, or
 - b. The student and the MSJCCD DSPS Director agree that, due to the severity of the disability, even beginning the course with Level I and Level II accommodations is futile, or
 - c. The student wishes to appeal the MSJCCD DSPS Director's assessment that his/her disability is not sufficient to warrant a substitution or, in the most extreme cases, a waiver.
4. For condition "c.", the first responsibility of the Appeals Committee will be to review and act on the issue. For condition "a.", the committee must first determine if the student has made a good faith effort to complete the class. If the committee decides that the student has made a good faith effort, or if condition is "b." is deemed appropriate by the DSPS Director, the committee will then determine if the course in question is essential to the student's program of instruction, major or licensing requirements. If the committee decides it is, the substitution (or, in the most extreme cases, waiver) request shall be denied to protect the integrity of the program and to protect the student's best interest in pursuing that program. *Notation of the substitution will be included in the Colleague system.* If the course in question is found to be peripheral to the student's major or course of study, the committee will seek to provide an appropriate course substitution. If no appropriate substitution can be found, or, in the most extreme cases, if the committee concludes that a course

substitution is inappropriate due to the severity of the disability, a waiver may be recommended by the subcommittee, again, only if the course is found to be peripheral to the student's program of instruction, major or licensing requirements. The committee's decisions will be determined by a majority vote.

5. The Appeals Committee will make every attempt to forward its decisions in writing to the student within three weeks of receiving the original written petition.
6. If the student with a documented disability is dissatisfied with the committee's decision, he/she may appeal to the Vice President of Student Services. Barring unforeseen circumstances, each level of appeal will be resolved within two weeks:
 - a. If the appeal to the VPSS is denied, the second appeal is to the College President.
 - b. If the second level appeal is denied, the third level appeal is to the MSJCCD Governing Board.

Course Substitutions Policy

When the severity of a documented and relevant disability prevents successful completion of a mathematics course required for the purpose of graduation and/or certification, a student may request a course substitution for math as an alternative method of meeting the mathematics requirement for graduation. The Course Substitution Policy and Procedures for Students with Documented Disabilities and related documents are available upon request in the Disabled Student Programs and Services (DSPS) office or in the Enrollment Services Office.

Math Substitution as an Academic Accommodation:

It is the policy of the Mount San Jacinto College District (MSJCCD) to provide an equal opportunity for students with disabilities in accordance with state and federal laws and regulations, including Section 504 of the National Rehabilitation Act of 1973, the Americans with Disabilities Act of 2008, and Title 5 of the California Code of Regulations.

It is the intent of the college that students with disabilities be admitted to courses and programs on an equal basis with all other students. To ensure quality of access for these students, academic accommodations and auxiliary aids are provided to the extent necessary to comply with all the regulations. **When the severity of a disability of an otherwise qualified student creates an obstacle to successful completion of a course required for graduation from MSJC, despite a good faith effort (except in an extraordinary circumstance) and the use of accommodations on the part of the student, a course substitution may be considered.**

The adoption of the following courses were selected because of their critical and analytical thinking components, as acceptable substitution alternatives for the Title V General Education Math Competency requirement by students with verified disabilities whose request for course substitution has gone through the process in the Academic Accommodation Procedures.

Good Faith Effort with Accommodations Documentation Checklist

The Good Faith Effort with Accommodations Documentation should be in writing when it is submitted to the DSPS Director.

1. Document that you began your course sequence at the appropriate level pursuant to AB705 based on the following methodology.
2. Document that you used the services authorized on your DSPS Academic Accommodation Plan (AAP) (e.g., extended time on exams and tutoring). Verification of services can be obtained through the DSPS Office and your DSPS specialist.
3. Document tutoring assistance. The Academic Tutoring Center, Math or Writing Labs, and DSPS Academic Support can provide written verification. If other sources have been used by you, have the person(s) helping you write a letter verifying you participated regularly in tutoring or a study group.
4. Request that your instructor write a statement regarding:
 - a. lack of possibility that you would complete the course successfully by the deadline to drop with a "W"; and
 - b. that you attended class regularly, turned in the required assignments, took the exams, and met with the course instructor to discuss problems and concerns.

Review all documentation with your counselor or DSPS Director to ensure you have the necessary verifications for demonstrating you have met "Good Faith Effort with Accommodations" criteria.