



**AP 5140      Disabled Student Programs and Services**

References:      Education Code Sections 67310 and 84850;  
                         Title 5, Section 56000 et seq. ;  
                         Section 504 Rehabilitation Act of 1973;  
                         Title 2, Americans with Disabilities Act Title III-4.2300

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**Introduction**

The Butte-Glenn Community College District (Butte College) will adhere to the following procedures for ensuring that students with documented disabilities receive reasonable and appropriate academic accommodations and adjustments including but not limited to: exam accommodations, assistive technology, prescription specialized instruction, and other supportive services designed to mitigate disability related educational limitations. These procedures are in accordance with the California Community College Chancellor’s Office Implementing Guidelines for the Title 5 Regulations, Disabled Students Programs and Services (DSPS). Butte College acknowledges that DSPS has been delegated the authority by the Chancellor’s Office to determine and authorize reasonable and appropriate academic accommodations described above for students who have provided appropriate disability verification documentation.

The fundamental principles of non-discrimination and reasonable accommodation in academic programs are identified in the implementing regulation of the Federal Rehabilitation Act of 1973. Section 504 regulations provide 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...post- secondary education program or activity... [34 C.F.R. § 104.43(a)]”

“{An institution}...shall make such modifications 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 or student. Academic requirements that the recipient can demonstrate are essential to the program of instruction being pursued by such student or to any directly related licensing requirement will not be regarded as discriminatory within the meaning of this section. Modifications may include changes in the length of time permitted for the completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted. [34 C.F.R. § 104.44(a)]

## **Mission Statement**

Disabled Student Programs and Services is supportive of the institution's responsibility to ensure equal access to the educational, vocational, and social programs provided by Butte College. The mission seeks to guarantee that students with disabilities have the same opportunity to access and participate, freely and actively, in all facets of Butte College student life. To accomplish its mission, the Disabled Students Programs and Services Office proactively collaborates with students, administration, college staff and community agencies, and advocates about issues of disability, access and opportunity, and disability law. Based upon assessment of the educational limitations imposed by the student's documented disabilities, specific programs and services are recommended by DSPS Disabilities Specialists. Participation in any DSPS program or service is voluntary; students with disabilities are not required to register with DSPS in order to be accommodated by Butte College programs or provided access to the college. There is no charge to students for DSPS services or accommodations.

## **Goals and Objectives**

Butte College uses its Multi-year, Integrated Planning System (MIPS) and its annual Planning, Budgeting, and Assessment (PBA) process to maintain its focus on student learning and align its systems to achieve it. The PBA process is the mechanism the college uses to link its annual planning, budgeting and assessment efforts. The intent is to ensure that the college maintains its focus on implementing its institutional initiatives, that planning informs budgeting, and that assessment efforts drive planning. Disabled Students Programs and Services participates fully in this process through unit planning, student learning outcomes and program review.

## **Definitions of Disability Categories and Student Eligibility**

Federal Law specifies no student with disabilities is required to access DSPS services. In order to be eligible for reasonable and appropriate academic accommodations, a student must have a disability which is verified and which results in an educational limitation. The existence of a disability may be verified by one of the following means:

1. observation by certificated disability-services staff member;
2. assessment by certificated disability-services staff member;
3. review of documentation by certificated staff provided by appropriate agencies or certified or licensed professional outside of DSPS. Students must provide the DSPS Office with documentation that verifies the disability.

Student rights and responsibilities will be provided to students at time of application to DSPS and via the DSPS Academic Accommodation Plan. Students are responsible for a minimum of one or more service contacts each semester. For students requesting diagnostic services for a learning disability, DSPS certificated staff will evaluate previous documentation and if necessary may choose to provide learning disability assessment services in compliance with the California Community College Chancellor's Office Learning Disability Eligibility Model (LDEM).

The certification of a disability by DSPS is binding upon Butte College. The DSPS professional staff possesses the necessary education and training, as prescribed by the Chancellor's Office, to make these decisions. All evaluation of documentation related to a disability will be done by a DSPS Disabilities Specialist. Should a student present or offer such documentation to a faculty member, staff, or administrator, that individual should refer the student and documentation to the DSPS Office. Students requesting DSPS services for the first time must complete a program

application for services through the Accessible Information Management (AIM) portal. DSPS adheres to FERPA and HIPAA guidelines regarding the release of confidential student medical and educational records.

DSPS Title 5 Implementing Guidelines include ten disability categories. (Specific definitions can be found in Title 5, Section IIIA, Articles 56032-42)

1. Deaf and Hard of Hearing (DHH) –Total or partial loss of hearing function that limits the student’s ability to access the educational process.
2. Acquired Brain Injury (ABI) – 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.
3. Intellectual Disability (ID) - Significant limitations both in intellectual functioning and in adaptive behavior that affect and limit the student’s ability to access the educational process.
4. Learning Disability (LD) - 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 students’ ability to access the educational process. To be categorized as learning-disabled a student must meet the following criteria through psycho-educational assessment verified by a qualified specialist certified to assess learning disabilities:
  - Average to above average intellectual ability
  - Statistically significant processing deficit(s) and/or
  - Statistically significant aptitude-achievement discrepancy(ies)
5. Physical Disability – 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.
6. Blind and Low Vision – A level of vision that limits the student’s ability to access the educational process.
7. Mental Health Disability – A persistent psychological or psychiatric disability, or emotional or mental illness that limits the students’ ability to access the educational process.
8. Attention Deficit Hyperactivity Disorder (ADHD) – 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.
9. Autism Spectrum Disorders – 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 limitations in social, academic, occupational, or other important areas of current functioning.

10. Other Health Conditions and Disabilities – Other health conditions and/or disabilities that affect a major life activity, which are otherwise not defined above, but which limit the student’s ability to access the educational process.

### **Accommodations/Support Services and Instruction**

Accommodations/Support services that may be authorized by DSPS Disabilities Specialists could include but are not limited to:

- priority registration assistance
- disability related counseling
- career and personal counseling
- DSPS educational assistance class repetition authorization
- authorization of alternate media, e.g., audio, Braille, enlarged formats
- authorization of Braille
- authorization of adaptive and assistive technology and software
- authorization of cart service for students with mobility disabilities
- authorization of adaptive furniture, e.g., chairs, tables, and other ergonomic devices
- coordination and referral to campus and community resources
- advocacy with and for students related to their disability
- provision of learning strategies training
- orientation workshops
- scribes
- note providers
- American Sign Language interpreting
- real-time captioning
- authorization to record lectures
- proctored course examinations with authorized academic accommodations
- College-wide transportation services that are accessible
- Access to and participation in co-curricular activities that are required or offered as extra credit as a part of a class instruction (note takers are often provided).

DSPS offers educational assistance classes. These classes produce revenue in the same manner as other general college classes, are approved through the normal curriculum review process, and are designed to enable students with disabilities to compensate for educational limitations and/or acquire the skills necessary to complete their educational objective. Educational assistance classes are taught by specially trained instructors who hold the appropriate DSPS minimum qualifications as specified in the *Minimum Qualifications for Faculty and Administrators in California and Community Colleges Handbook*, and utilize curriculum, material, and instructional methods specifically designed to address the educational limitations of students with disabilities.

Educational assistance courses offered through DSPS are subject to Title 5 policies regarding course repeatability.

### **Student Integrity**

Student integrity is an expectation as well as an essential part of success at Butte College. Students should strive to maintain high ethical standards in their scholarship, as members of the campus community, and in their lives.

It is critical that students understand this responsibility and that they act with integrity in all of their intellectual pursuits. The responsibility to act in an ethical manner is fundamental in the search for knowledge and failure to maintain ethical standards may result in disciplinary action.

## **Rights and Responsibilities**

Students with disabilities have the right to expect:

- Full and equal participation in the services and activities of Butte College and the DSPS Office.
- Reasonable accommodations, academic adjustments and/or auxiliary aids and services in response to documented disabilities.
- Confidential information about their disability will not be shared without their prior consent unless permitted by law and then only on a "need to know" basis.
- Others to have limited access to anecdotal information maintained by DSPS.
- Information about DSPS policies, procedures, accommodations, and services will be readily available in alternate formats upon timely request.

Students with disabilities have the responsibility to:

- Meet qualifications and maintain essential institutional standards for courses, programs, services, jobs and activities.
- Read the current Butte College catalog section entitled Student Conduct: Rights and Responsibilities and Grounds for Disciplinary Action. All Butte College students, including students with disabilities, will be held to the same standards of personal conduct, decorum, and behavior.
- Self-identify and self-advocate for accommodations, services, and auxiliary aids.
- Provide DSPS appropriate documentation of disability prior to the authorization for any accommodation, service, or academic adjustment.
- Demonstrate and/or provide documentation how their disability limits their participation in courses, programs, services, jobs and activities.
- Follow established policies and procedures for obtaining accommodations, services, auxiliary aids or when requesting the removal of an architectural barrier.

Butte College has the right to:

- Establish essential functions, abilities, skills, knowledge, and standards for courses, programs, services, and activities.
- Determine the appropriate standards in developing, constructing, remodeling, and maintaining physical facilities.
- Confirm disability status on a student (for accommodation purposes) after requesting, receiving, and reviewing current and appropriate documentation. The documentation must support any request for accommodations, academic adjustments, auxiliary aids, and services.
- Discuss and develop accommodation strategies for students with disabilities.
- Deny a request for an accommodation, academic adjustment, auxiliary aid, or service if the student's documentation of disability does not corroborate the need or support the student's request.
- Select among equally effective accommodations, academic adjustments, auxiliary aids and services.
- Deny any accommodation, academic adjustment, auxiliary aid, service or facility-related request that imposes an undue financial or administrative burden on the institution.

(Failure to comply with these standards may result in suspension or termination of DSPS services.)

## **Academic Accommodation Plan**

The DSPS Academic Accommodation Plan (AAP) includes the academic accommodations determined and updated through the interactive process between each DSPS student and a DSPS Disabilities Specialist.

## **DSPS Courses**

The DSPS Program has three (3) courses available for DSPS students to gain fundamental reading and math skills, as well as an adaptive computer lab for students to enhance skill levels with adaptive and assistive computer hardware and/or software. Additional courses will be developed to meet the needs of DSPS eligible students.

### DSPS 204 – Fundamentals of Reading

This reading course is designed for students with intellectual disabilities. Each student will be assessed at the beginning of the course and will be provided reading instruction that is closely supervised and individualized based on the results of assessment.

### DSPS 206 – Fundamentals of Math

This math course is designed for students with intellectual disabilities. Each student will be assessed at the beginning of the course and will be provided math instruction that is closely supervised and individualized based on the results of the assessment.

### DSPS 210 – Adaptive Computer Lab

This is a course involving the use of adaptive computer software and hardware. This course will offer disabled students the opportunity to enhance their skills on a computer via the adaptive hardware and software prescribed for them. The course will be project oriented and will provide students with an opportunity to increase their skills with the prescribed adaptive computer and application software.

## **Course Substitution and Waivers**

**All students with disabilities are expected to make a good faith effort at completing the general education requirements with appropriate accommodations before a substitution will be considered.** This includes visiting with the instructor during office hours, tutoring, attending Center for Academic Success (CAS) workshops, and working with a DSPS Disabilities Specialist for accommodations. However, Butte College does recognize there may be extenuating circumstances that may prevent a student from even attempting a particular class because of the severity of the disability.

A student who has a professionally diagnosed disability that has proven to be a barrier to completing a competency may request that the general education competency requirement be fulfilled with an approved substitution course.

These requests will be handled on an individual case-by-case basis. These requests will also be evaluated carefully in order to ensure the recommendation does not affect the integrity of the student's achievement or preparation.

A student petition and steps to completing the substitution request is available at the DSPS Office.

### **DSPS Staffing**

Employees in all areas of DSPS will be qualified professionals who are responsive to the needs of students with disabilities. The Director of DSPS will be responsible for the day-to-day operation of the DSPS Office. Professional staff will include Disabilities Specialists and DSPS instructional faculty who, along with the Director, meet the standards for employment in DSPS as outlined in Title 5, the California Educational Code, and Chancellor's Office Learning Eligibility Model. Classified Staff who are part of the DSPS Program will be knowledgeable about the needs of students with disabilities and provide timely and effective services in a manner that is respectful, supportive and empowering to students.

Opportunities for professional training and development will be offered on an ongoing basis through college trainings, webinars and professional conferences.

### **DSPS Advisory Committee**

DSPS will maintain an Advisory Board to provide advocacy, advisement, and recommendations regarding programs and services to students with disabilities.

Membership will be comprised of professional representatives of community agencies and programs that provide services to people with disabilities, business and employer representatives, student representatives of Butte College who receive services through DSPS, local K-12 educators, and members of the Butte College instructional faculty. DSPS staff members will attend advisory committee meetings only to provide information and explanation. The DSPS Advisory Board will be chaired by a member of the community. Meetings will be held twice a year, each fall and spring semester.

### **Use of Service Animals**

In response to changes initiated with the passage of the Americans with Disabilities Act Amendments Act of 2008 (ADAAA), colleges are required to have a service animal policy. Butte College's service animal policy (BP 3440) states, "In order to prevent discrimination on the basis of disability, the District will allow an individual with a disability to use a service animal or qualified miniature horse in District facilities and on District campuses in compliance with state and federal law." A service animal is defined as "any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including physical, sensory, psychiatric, intellectual, or other mental disability" and includes the following responsibilities.

#### Responsibilities of Persons Using Service Animals:

1. The handler must sign a statement of responsibility that verifies use of a service animal as for the handler's disability-related limitations. The student can either submit this documentation to the DSPS Office or a designated Butte College official who may elect to forward the information to the DSPS Office. DSPS will provide students with a card verifying that the service animal is authorized to be on campus.
2. Dogs must be licensed in accordance with county regulations and wear a current and valid vaccination tag. Other types of animals must have vaccinations appropriate for

that type of animal.

3. Animals must be on a leash at all times.
4. The handler must clean up after the service animal.
5. The handler must be in full control of the animal at all times.
6. Disruptive or aggressive animals may be asked to leave Butte College facilities. If the improper behavior happens repeatedly, the handler may be told not to bring the animal into any facility until the handler takes significant steps to mitigate the behavior. This mitigation may include muzzling a barking dog or refresher training for animal and handler. Failure by the handler to abide by these responsibilities may lead to the dismissal of the animal and subject the handler to possible disciplinary action.

### **Emotional Support Animals (ESA)**

Butte College students whose animal does not appear to meet the service animal definition outlined in Butte College Policy and Procedure (BP/AP 3440) should be referred to the DSPS Office where, based on the interactive process, a determination can be made regarding whether the student's animal meets the criteria of an emotional support animal (ESA) and whether the student has a qualifying disability that presents educational limitations that can be mitigated by the authorization of an ESA as a reasonable accommodation.

An ESA checklist will be reviewed between the Disabilities Specialist and the student as part of the interactive process. The campus policy regarding service animals will also be reviewed.

### **Suspension or Termination of DSPS Services**

Students may have DSPS services suspended or terminated for the following reasons:

1. Student abuses, misuses or fails to return DSPS loaned equipment.
2. Student abuses or misuses DSPS services as outlined in the program's written policies and the DSPS Academic Accommodation Plan.
3. Student is not making progress on their Student Education Plan and/or Academic Accommodation Plan.

Written notification of an impending suspension of DSPS services will be sent to the student via the student's Butte College email address at least five (5) school days before the suspension is to take effect. The written notice will identify the cause of the suspension, the effective date of the suspension and the duration of the suspension. The notice will inform the student as to how and to whom an appeal of the suspension of DSPS service may be made.

Students who have had a service or services suspended or terminated have the right to appeal this decision using the Disability-Related Student Grievance procedures listed below. Students who have grievances about issues not directly related to their disability should follow the general procedure for Student Grievances in the Butte College catalog—Grievances, Complaints, Procedures.

### **Resolution of Disagreements related to DSPS Services**

Students with disabilities have the right to appeal any decision regarding academic adjustment, auxiliary aids, services, and instruction provided by Butte College. This may include perceived denials of academic accommodations or auxiliary aids, suspension of services, or other decisions regarding academic accommodations and use of auxiliary aids. An individual has the right to file a formal written complaint at any time under AP 3430/AP 3435, based on unlawful

discrimination, including disability discrimination or harassment. Authorized academic accommodations should be delivered during the appeal process.

Grievances generally relate to specific areas of concern, including:

- Grievance with DSPTS for not authorizing a requested accommodation, academic adjustment, auxiliary aid, service and/or instruction. (1st level)
- Grievance with DSPTS for not providing an authorized accommodation, academic adjustment, auxiliary aid, service and/or instruction. (1st level)
- Grievance with DSPTS for suspension of services. (2nd level)
- Grievance with another faculty/staff/administrator (non-DSPTS employee) for not complying with an authorized academic adjustment. (1st level)
- Allegation of disability harassment or discrimination. (AP 3430 – *Prohibition of Harassment and AP 3435 – Discrimination and Harassment Investigations*)

In the event a student believes that they have been discriminated against or that their civil rights have been violated because of a disability, they may initiate a complaint against the individual or Butte College by electing to:

1. Informally resolve the alleged discrimination;
2. Complete an Unlawful Discrimination Complaint Form, and filing it with the appropriate office;
3. Filing a formal complaint with the U.S. Department of Education, Office for Civil Rights.

By electing options 1 or 2, the complainant does not give up their right to file a formal complaint with the Department of Justice, U.S. Department of Education, Office for Civil Rights.

### 1. Informal Complaint Resolution

A student may choose to informally resolve an issue of alleged discrimination or failure to provide an authorized accommodation by speaking directly with the alleged perpetrator (e.g., classroom instructor, college representative or DSPTS staff member). No formal record of the meeting or the resolution of the complaint will be maintained by Disabled Students Programs and Services or any other Butte College office.

### 2. Unlawful Discrimination Complaint Form

Butte College supports the statement that "*no otherwise qualified individual with a disability shall, solely by reason of a disability, be excluded from participation in, be denied the benefits of or be subjected to discrimination.*" In support of that statement, Butte College has adopted procedures, including an Unlawful Discrimination Complaint form, for the prompt and equitable resolution of a grievance alleging discrimination, harassment, or the violation of civil rights.

If a student believes that they have been discriminated against because of disability, they may request an Unlawful Discrimination Complaint Form from:

Director, Disabled Student Programs and Services  
Butte College  
3536 Butte Campus Drive, Oroville, CA 95965  
(530) 895-2455  
(530) 895-2599 (TDD)

Dean, Student Services  
Butte College  
3536 Butte Campus Drive, Oroville, CA 95965  
(530) 893-7546  
(530) 895-2599 (TDD)

ADA/Section 504 Student Compliance Officer  
Office of the Vice President for Student Services  
Butte College  
3536 Butte Campus Drive, Oroville, CA 95965  
(530) 895-2239  
(530) 895-2599 (TDD)

A record of the complaint will be maintained in the Disabled Student Programs and Services Office (DSPS) and the Office of the Vice President for Student Services/ADA/Section 504 Student Compliance Officer. The Director for DSPS will help facilitate a resolution of the complaint. The Vice President for Student Services/ADA/Section 504 Student Compliance Officer will mediate a resolution of the complaint if necessary.

### 3. U.S. Department of Education Complaint Filing

A complaint may be filed, at any time with the U.S. Department of Education, Office for Civil Rights.

California Office for Civil Rights  
San Francisco Office  
U.S. Department of Education  
50 Beale Street, Suite 7200  
San Francisco, CA 94105-1813  
Telephone: (415) 486-5555  
Facsimile: (415) 486-5570  
Email: [OCR.SanFrancisco@ed.gov](mailto:OCR.SanFrancisco@ed.gov)

### FIRST LEVEL – Informal Grievance:

Students with a grievance against DSPS for not authorizing an academic adjustment, auxiliary aid, service and/or instruction or not providing an academic adjustment, auxiliary aid, service and/or instruction as authorized should first attempt to resolve the matter by means of an informal meeting with the person(s) against whom the student has the grievance, generally the counselor, Disabilities Specialist, or staff member responsible for providing the academic adjustment, auxiliary aid, service and/or instruction. This discussion should be timely, optimally within ten (10) school days of the alleged incident.

Students who believe an authorized academic adjustment, auxiliary aid, service and/or instruction is being denied or ignored by a Butte College employee such as an instructor or other employee should first attempt to resolve the matter by means of an informal meeting with the person who the student believes is not complying with the academic adjustment, auxiliary aid, service and/or instruction. This discussion should be timely, optimally within ten (10) school days of the alleged denial.

## SECOND LEVEL – Informal Grievance:

Students who are dissatisfied with the outcome of their meeting with either the DSPS staff member or another Butte College faculty/staff/administrator can schedule an appointment with the Director of DSPS. Students should bring their referral for academic adjustment, auxiliary aid, service and/or instruction along with the relevant information about dates of requests, services not received, and responses to their previous inquiries. Students should address these concerns to the Director of DSPS within ten (10) school days of the first level meeting:

Director, Disabled Student Programs and Services  
Butte College  
3536 Butte Campus Drive, Oroville, CA 95965  
(530) 895-2455  
(530) 895-2599 (TDD)

The Director may conduct an informal inquiry with various parties involved in the alleged incident and inform students verbally of the resolution. The Director should communicate this resolution to the student within ten (10) school days of the second level grievance meeting.

## THIRD LEVEL – Informal Grievance:

If the grievance cannot be resolved at the second level within ten (10) school days, students should contact the Dean. The Dean will review the grievance with the Director of DSPS and attempt to resolve the grievance informally. This discussion must take place within ten (10) school days after contact at the second level. The Dean should respond to the student's grievance within ten (10) school days.

Dean, Student Services  
Butte College  
3536 Butte Campus Drive, Oroville, CA 95965  
(530) 895-2340  
(530) 895-2599 (TDD)

## FOURTH LEVEL – Formal Grievance:

If the grievance cannot be resolved informally at the third level, the student will be asked to state the grievance in writing within ten (10) school days. This written statement should be directed to the Vice President for Student Services/ADA/Section 504 Student Compliance Officer:

Vice President for Student Services/ADA/Section 504 Student Compliance Officer  
Butte College  
3536 Butte Campus Drive, Oroville, CA 95965  
(530) 895-2239  
(530) 895-2599 (TDD)

The Vice President will review the report of the findings issued by the Director of DSPPS, Dean, Student Services, and conduct any further inquiry or interview as deemed appropriate, and provide a written decision within ten (10) school days of receiving the written appeal.

FIFTH LEVEL – Formal Grievance:

If the grievance cannot be resolved at the fourth level within ten (10) school days, the grievant may seek a review with the college Superintendent/President. A copy of the stated grievance and all written documentation of findings will be submitted to the Superintendent/President for review. The Superintendent/President shall have ten (10) school days to render a written decision.

Anyone who believes that an educational institution that receives federal financial assistance has discriminated against someone on the basis of race, color, national origin, sex, disability or age can file a complaint with the U.S. Department of Education Office of Civil Rights (OCR). According to OCR, a complaint must be filed within 180 calendar days of the date of the alleged discrimination, unless the time for filing is extended by OCR for good cause.

Additionally, according to OCR, if a grievance is filed through the institutional process of Butte College and then filed with OCR, the complaint must be filed with OCR within sixty (60) days after the last act of the institutional grievance process.

Office for Civil Rights/San Francisco  
U.S. Department of Education  
50 Beale Street, Suite 7200,  
San Francisco, CA 94105  
Tel: (415) 486-5555  
Fax: (415) 486-5570