

Pickens Technical College Postsecondary Adult Students with Disabilities Information

This document provides disabled students enrolling in postsecondary programs at Pickens Technical College information on services designed to facilitate access and provide reasonable accommodation to such students. It also provides information for faculty, staff and students who interact with colleagues with disabilities. (For disabled students who are enrolled at Pickens Technical College as high school students rather than postsecondary students, the special education process under the Individuals with Disabilities Education Act (IDEA) will control, not the process described in this document. High school students should contact Special Education Coordinator for secondary students at 303-344-4910.)

Legal & Background Information

The Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990 seek to dispel stereotypes and assumptions about disabilities, to ensure equal opportunity and to encourage full participation for persons with disabilities. Achieving program accessibility is a key to successful compliance with these Acts. The Acts do not protect all persons with physical or mental impairments, but rather those who are qualified for coverage based on the statutory definition of disability. An individual with a disability is defined as a person who has a physical or mental impairment that substantially limits a major life activity, or has a record of such impairment, or is regarded as having such impairment.

Pickens Technical College and the Aurora Public Schools have an institutional commitment to provide equal educational opportunities for qualified students with disabilities in accordance with state and federal laws and regulations. To provide equality of access for students with disabilities, accommodations and auxiliary aids and services will be provided to the extent necessary to comply with state and federal laws. For each student, these accommodations and auxiliary aids and services will specifically address those functional limitations of the disability, which adversely affect equal educational opportunity.

Students with disabilities have the responsibility to provide appropriate disability documentation to the Postsecondary ADA Coordinator. Documentation legitimizes a student's request for reasonable accommodation, and can assist both the student and the school in identifying the nature of necessary accommodations and in meeting a program's technical standards, where such standards exist. In addition, it is the student's responsibility to maintain communication about the appropriateness of accommodations made, and to alert the faculty and staff about any physical or attitudinal barriers encountered at the school. (For details about documentation, see below.)

Students with disabilities making a transition to the postsecondary level often face increased academic and personal responsibilities. Students are expected to be their own advocate to a far greater extent than in the K-12 context. The advocacy process involves good communication; therefore, students with disabilities are encouraged to do the following:

- Make an appointment with the school's Postsecondary ADA Coordinator, 303-344-4910.
- Provide appropriate disability documentation (or discuss how such documentation is to be obtained) and prepare to discuss accommodation alternatives.
- Meet all deadlines established for documentation and submission of requests for accommodations.
- Maintain ongoing communication about the appropriateness of accommodations made. If there are problems, first try to resolve them with the individual instructor. If that does not work, contact the Postsecondary ADA Coordinator. Finally, students have a right to file a formal grievance under the Aurora Public Schools' ADA/Section 504 Grievance Procedure. A copy of this document may be found at <http://www.aps.k12.co.us/pol-reg/SectionA/ace.pdf> and is also available from Pickens Technical College director's office (303-344-4910), or from the APS Office of Legal Counsel (303-344-8060, ext.28009).
- Keep faculty, staff and the Pickens Technical College Postsecondary ADA Coordinator informed about any physical and/or attitudinal barriers encountered on this campus.

Documentation of a disability:

Specific academic accommodations and potential auxiliary aids and/or services may be discussed with the Postsecondary ADA Coordinator prior to documentation being provided. However, the student will be asked to provide appropriate documentation to support the request, and no accommodation, aids or services will be provided until appropriate documentation has been received and reviewed. Students are responsible for the costs of supplying documentation. Documentation must include the following:

- Identification from an appropriate professional of the nature and current extent of the student's disability;
- Specific information regarding the manner in which the disability affects the student's needs in a postsecondary setting;
- Description of the current course of treatment, if any, including medications and side effects and the extent to which the medications mitigate the affects of the disability in the academic setting;
- Prognosis for the disability; and
- Reasonable accommodations suggested by a professional.

A student who wishes to request accommodation for a disability must contact the Postsecondary ADA Coordinator's office to make an appointment. These guidelines are provided to assist the Postsecondary ADA Coordinator in collaborating with each student to ensure that his/her documentation is complete and to determine appropriate reasonable accommodation.

Pickens Technical College reserves the discretion to determine what type of professional documentation is necessary, and this may vary depending on the nature and extent of the disability and the accommodation, auxiliary aid and/or services requested.

Additional information may be requested for clarification after the initial documentation is supplied. All information regarding a student's disability is confidential and will be shared only on a need-to-know basis; for example, where a person is evaluating and or facilitating accommodations, auxiliary aids or services. All documentation and files relating to a student's disability are housed in the Postsecondary ADA Coordinator's office and are not part of the student's academic record.

Assessment of a disability must be provided by a professional who is qualified to make the appropriate diagnosis or judgment. The assessment must be signed by the professional, and specify the tests used to determine the disability and the scores on those tests. Recommended practitioners will vary from case to case. Documentation must be current. For most students, documentation should be within the past three years. Documentation not within the past three years may be considered valid at the discretion of the school; for example, where evidence indicates that the disability has regularly been evaluated without significant changes in skills and needs across time. In addition, disabilities that are sporadic or degenerative in nature may require documentation more recent than three years.

After documentation supporting a request for accommodation is submitted and accepted, the Postsecondary ADA Coordinator and the Intervention Team review it. These units will work with the student and with faculty and staff to provide reasonable accommodation.

Generally, an Individualized Education Plan (IEP) from a secondary school in itself will not be considered adequate documentation for the provision of academic adjustments or accommodations at the postsecondary level.

In the event Pickens Technical College feels it is appropriate to obtain a second professional opinion concerning the nature or severity of the disability, it will bear the cost of obtaining that second opinion not covered by a third party payer.

Documentation information about specific disabilities:

Attention Deficit Disorder:

- ✓ A copy of a recent diagnostic report, which states the DSM diagnosis; symptoms, instruments and procedures used to make the diagnosis;
- ✓ Dosage, type, and frequency of the current medication.
- ✓ Suggestions of reasonable accommodations that might be appropriate at the postsecondary level are requested, and these recommendations should be supported by the diagnosis.

Chronic Illness:

- ✓ A letter from a physician stating the diagnosis and impact of the disability, including any limitations and medication.

- ✓ Suggestions of reasonable accommodations that might be appropriate at the postsecondary level are requested, and these recommendations should be supported by the diagnosis.

Head/Brain Injury:

- ✓ A clear statement of the head/brain injury and the probable site of lesion;
- ✓ A summary of cognitive and achievement measures used and evaluation results including standardized scores or percentiles used to make the diagnosis;
- ✓ A summary of present residual symptoms which meet the criteria for diagnosis;
- ✓ Medical information relating to student's needs, to include the impact of medication on the student's ability to meet the demands of the postsecondary environment.
- ✓ Suggestions of reasonable accommodations that might be appropriate at the postsecondary level are requested, and these recommendations should be supported by the diagnosis.

Hearing Disability:

- ✓ A copy of the most recent audiological examination, which should include a diagnosis with etiology, degree, type, and configuration of loss,
- ✓ A copy of a recent IEP, if available.
- ✓ Suggestions of reasonable accommodations that might be appropriate at the postsecondary level are requested, and these recommendations should be supported by the diagnosis.

Learning Disability:

- ✓ A copy of the last IEP and results of the last psycho-educational test battery.
- ✓ If this is not available, then a narrative summary, including all scores from testing that is comprehensive, including a measure of both Aptitude and Achievement in the areas of reading, mathematics, and written language.
- ✓ A clear statement that a learning disability is present, along with the rationale for this diagnosis.
- ✓ A statement of strengths and needs what will impact the student's ability to meet the demands of the postsecondary environment.
- ✓ Suggestions of reasonable accommodations that might be appropriate at the postsecondary level are requested, and these recommendations should be supported by the diagnosis.

Mobility Disability:

- ✓ Diagnosis of a mobility disability, description of functional limitations.
- ✓ A record of medications used, prescribed dosage, and any side effects experienced.
- ✓ Suggestions of reasonable accommodations that might be appropriate at the postsecondary level are requested, and these recommendations should be supported by the diagnosis.

Psychiatric Disability:

- ✓ A letter from a psychologist or psychiatrist stating the diagnosis, characteristics of the disability, and medication.

- ✓ Suggestions of reasonable accommodations that might be appropriate at the postsecondary level are requested, and these recommendations should be supported by the diagnosis.

Visual Disability:

- ✓ A copy of the most recent eye examination, which should include diagnosis and visual acuity.
- ✓ A copy of the most recent Individualized Education Plan (IEP), if available.
- ✓ A narrative or descriptive text providing information about the student's abilities which might be helpful in understanding the student's profile including the use of corrective lenses and ongoing visual therapy.
- ✓ Suggestions of reasonable accommodations that might be appropriate at the postsecondary level are requested, and these recommendations should be supported by the diagnosis.

Other types of disabilities:

- ✓ Consult with the Pickens Technical College Postsecondary ADA Coordinator (303-344-4910).

Timely Requests

In order to facilitate requests for accommodations, auxiliary aids, and/or services (including hiring qualified service providers), it is necessary for students to submit requests in writing to the Postsecondary ADA Coordinator.

Students may request accommodations, auxiliary aids and/or services at any time prior to the time that such an accommodation, auxiliary aid and/or service is needed; the availability of these may be affected, however, by a request made too late. For this reason, students are urged to submit requests as early as possible.

For example, a note-taker should be requested within the first 10 business days of each quarter, or as soon as the student recognizes the need for notes. Interpreters should be requested at least 14 business days in advance of the date the service is needed.

Examination and Paper Accommodations

1. Students with a documented disability may request an accommodation in regard to an examination or paper/project. The request shall be in writing and provided to the teacher (with a copy to the Postsecondary ADA Coordinator), and made at least seven business days prior to the date of the exam or the due date of the paper or project.
2. When it is necessary for the student to take an exam in a room other than that in which other students are taking the exam, the student shall make a request in writing and provide the request to the teacher (with a copy to the Postsecondary ADA Coordinator). The request must be made at least seven business days prior to the date of the exam.
3. If a student requires the use of a computer, scribe or reader with which to take an exam, he/she should request such services in writing at least seven business days prior to the date the service is needed.

Request for Modification of Academic Requirements

1. *Eligibility:* A student with a documented disability may request a modification of certain generally applicable academic requirements (for example, the number of units to be taken in an academic quarter, substitution for otherwise required courses, course retakes or completion of courses, certain aspects of academic standing, etc.).

2. *Procedure:* The request shall be made to the Postsecondary ADA Coordinator in writing as early as possible. (Students are encouraged to make a request at the earliest possible moment. Delay in making a request may result in it being impossible to complete the appeal process prior to the beginning of the quarter.) In all events, the request must be made at least 20 business days before the beginning of the academic quarter or as soon as the need arises, and should be accompanied by documentation of the disability which supports the request. The request shall also include the requesting student's name, address, e-mail address (if available), and phone number.

3. *Determination:* The Postsecondary ADA Coordinator will verify that the documentation is current, from an appropriate professional, and that it supports the request. The Coordinator will then forward the student's request and the Coordinator's recommendation to the Pickens Technical College Assistant Director with responsibility for student disability issues within seven business days of having received the completed request (including the requested documentation) from the student. (This time period may be extended by the Coordinator if he/she finds good cause to do so.) Depending on the nature of the request, the Assistant Director will either issue a decision, or convene an appropriate panel or body to review the matter and decide on it.

Note: The following procedure applies to student requests for modifications of academic requirements. It is separate from the usual process for the filing of grievances on the basis of §504 and the A.D.A.

Appropriate modifications of academic regulations are determined following an individualized assessment of each request. Among the factors relevant in determining appropriate modifications of academic requirements for students are:

- ✓ The nature of the student's disability and its nexus to the requested modification;
- ✓ Whether the requested modification of the academic requirement will provide the student an equal educational opportunity; and
- ✓ Whether the requested modification of the academic requirement would alter the essential requirements or standards, or would change the fundamental nature of an educational program.

4. *Notification:* The Assistant Director will notify the student in writing of the decision within 10 business days of having received the request and the Postsecondary ADA Coordinator's recommendation. The Assistant Director may extend the deadline if they find good cause to do so. If the request is denied, the denial will state the reasons for the decision.

5. *Appeal*: A student who disagrees with the decision on his or her request for modification of an academic requirement may appeal in writing to the Executive Director of Pickens Technical College within 10 business days of the decision. The appeal should include copies of both the original request and the decision made by the Assistant Director, and should state the student's reasons for disagreeing with the decision, the substantive and/or procedural basis for the appeal, (as more fully described below), and must be made on grounds other than general dissatisfaction with the decision.

The Executive Director (or his or her designee) will review the decision and inform the student of his or her determination within 10 business days of receiving the request. The deadline may be extended by the Executive Director if he or she finds good cause to do so. The decision of the Executive Director is final.

The review by the Executive Director (or his or her designee) normally shall be limited to the following considerations:

- ✓ Were the proper facts and criteria brought to bear on the decision? Were improper or extraneous facts or criteria brought to bear that substantially affected the decision to the detriment of the student?
- ✓ Were there any procedural irregularities that substantially affected the outcome of the matter to the detriment of the student?
- ✓ Given proper facts, criteria and procedure, was the decision one which a person in the position of the decision maker might reasonably have made?

6. *Applicability*: This determination and appeal procedure set forth in this Section will supplant the ADA/Section 504 Grievance Procedure set forth in school district policy.

DISPUTE RESOLUTION PROCEDURES

1. *Informal Dispute Resolution* (Note: this process does not apply to requests for modifications of academic requirements. That process is set forth elsewhere in this document.)

- A. If the student requesting an accommodation, auxiliary aid and/or service disagrees with the determination communicated by the Postsecondary ADA Coordinator, the student shall, within seven calendar days of that determination contact the Postsecondary ADA Coordinator and request a reconsideration of the decision.
- B. If the student continues to disagree with the decision of the Intervention Team, then the student shall contact the Assistant Director with the responsibility for student disability issues, who will review the request, investigate, and attempt to resolve the issues within 10 calendar days of the initiation of the second review. The Assistant Director shall review the following:
 - ✓ The accommodation, auxiliary aid and/or service requested and documentation related to the request
 - ✓ The determination communicated by the Postsecondary ADA Coordinator;

- ✓ In addition, the Assistant Director may also consult with the relevant parties, other school district employees, and other disability specialists.

- C. Notification: No formal report need be issued by the Assistant Director, but the outcome of the review will be documented in a letter to the student.

2. *Formal ADA/Section 504 Grievance*

If the student disagrees with determination of the Assistant Director, he or she may file a formal grievance in accordance with the Aurora Public Schools' ADA/Section 504 Grievance Procedure. A copy of this document may be found at <http://www.aps.k12.co.us/pol-reg/SectionA/ace.pdf>, and is also available from the Pickens Technical College director's office (303-344-4910), or from the APS Office of Legal Counsel (303-344-8060, ext. 28009).

REASONABLE ACCOMMODATION

The basic principles of reasonable accommodation are as follows:

1. A qualified person with a documented disability may request reasonable accommodation.
2. The reasonable accommodation obligation is prospective, not retroactive. Accommodation will not be provided until a written request is made and accepted.
3. A program must consider the accommodation requested. A program does not have to provide the specific accommodation requested by the person with a disability if there is another effective, less expensive or more convenient accommodation.
4. Reasonable accommodation must be determined on a case-by-case basis. That is, a reasonable accommodation is individualized.
5. The reasonable accommodation obligation applies only to accommodations that reduce barriers to participation in programs, services and activities related to a person's disability. It does not apply to accommodations that a person with a disability may request for some reason other than the disability.
6. When reasonable accommodation is provided to a student with a disability, priority must be given to a method that results in the most integrated setting appropriate to encourage interaction among all students in a course. Segregation of students with disabilities should be avoided where feasible.

7. A reasonable accommodation need not be the best accommodation available, as long as it is an effective accommodation. A program is not required to provide an accommodation that is primarily for personal use.
8. The ADA's requirement for certain types of adjustments and accommodations to meet reasonable accommodation obligations does not prevent a school from providing accommodations beyond those required by the ADA. Provision of such accommodations does not indicate that the school believed they were legally required.
9. A person with a disability cannot be forced to accept an accommodation they do not want.
10. A reasonable accommodation is not necessary (a) where there would be a direct threat to the health and safety of others; (b) where the requested modification of an academic requirement would alter the essential requirements or standards, or would change the fundamental nature of an educational program; or (c) where there would be undue financial or administrative burden.

Reasonable accommodations and/or auxiliary services may include:

- ✓ Accessible classrooms
- ✓ Adaptive computers
- ✓ Disability counseling and advocacy
- ✓ Equipment loan (e.g., tape recorders)
- ✓ Exam accommodations
- ✓ Faculty/staff consultation
- ✓ Interpreters for the deaf/hard of hearing (both manually and orally)
- ✓ Note takers or access to class notes
- ✓ Reading/writing assistance
- ✓ Textbooks in alternate format
- ✓ Tutoring

Computer Access

Some students with disabilities may benefit from certain computer innovations designed to make information more accessible to students. The Pickens Technical College Information Resource Center will coordinate access to these technologies. Students with disabilities may be referred to this department or may suggest its use to the Postsecondary ADA Coordinator or to their instructor.