



### **Mission of Disability Services**

Disability services is committed to promoting access to classroom and college activities to ensure an equitable educational opportunity to all students.

The FVCC college community is enriched by the diversity of our students and staff and recognizes the unique potential for difference to contribute to our learning environment. Therefore, Disability Services strives to create disability awareness as well as ensuring compliance with disability rights legislation. To diminish the dignity of one is to diminish the dignity of all.

### **Disability Office Contact Information**

The Disability Services Office is located at LRC147. For more information, contact Disability Support at (406) 756-3880 or email [disabilitysupport@fvcc.edu](mailto:disabilitysupport@fvcc.edu).

### **Disability Law**

Flathead Valley Community College adheres to Section 504 of the Rehabilitation Act of 1973

which states “no otherwise qualified person with a disability.... shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” FVCC also complies with the Americans with Disabilities Act of 1990 & Amendments Act of 1998 to provide equal opportunity to participate in the services, programs, or activities offered by FVCC. Title II of this law states “a public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modification would fundamentally alter the nature of the service, program, or activity.”

### **Otherwise Qualified Person**

According to Section 504 34CFR 104.43(k)(3): “a qualified person with a disability is defined with respect to postsecondary and vocational education services as an individual with a disability who... meets the essential eligibility requirements or academic and technical standards requisite to admission or participation in the recipient’s education program or activity.” In other words, a student must be capable, with appropriate accommodations, of fulfilling the requirements of a class or degree program.

## **Definition of Disability**

According to Section 3 of the Americans with Disabilities Act the term “disability” means, with respect to an individual, “having a physical or mental impairment that substantially limits one or more of the major life activities of such individual.”

## **High School vs. Post-Secondary Accommodations**

Entitlements under the Individuals with Disabilities Education Act (IDEA) received in high school may differ from disability accommodation at a post-secondary institution. Special Education Services under the IDEA guarantee a free appropriate public education (FAPE) including an Individualized Education Program (IEP). An IEP plan is designed for a student to “receive educational benefit” and may include modifying or waiving curriculum or assignments, unlimited time on tests, or extended due dates for completion of school work.

In contrast, the ADA does not require colleges to lower academic standards. Students are required to complete the same curriculum in the same time frame as students without disabilities, with reasonable accommodations. Reasonable accommodations allow access to the same information as other students but do not modify program requirements of the college program. They are tools to ensure the opportunity to succeed but do not guarantee educational benefit.

Other differences include:

- Students, not schools, are responsible for providing documentation from a professional qualified to assess their particular disability.
- Postsecondary students must make their disability known and request academic accommodations from Disability Services.
- Students work with the Disability Coordinator to identify appropriate and effective accommodations.
- The Family Educational Right to Privacy Act (FERPA) does not allow institutions to release information to parents without student permission, and instructors do not receive information about a student’s disability without their consent.
- Students must advocate for themselves to receive accommodations from their teachers.
- Instructors do not help students organize their time or remind students of assignments or tests; rather, students are expected to use class syllabi to keep track of their academic responsibilities.

## **Steps to Receive Disability Services**

1. Contact Disability Support to schedule an intake appointment to discuss the nature of a disability, adaptive strengths and functional limitations, and barriers to learning.
2. Provide documentation to verify eligibility for disability services. If you are currently in high school and your test data is more than 3 years old, ask special education personnel about a full reassessment for an IEP (required every 3 years) or for a transition plan your senior year. High schools generally eliminate disability files 3-5 years after graduation, so be sure to request your entire file at graduation.
3. Work with the disability coordinator to determine reasonable accommodations that create equal access to, but do not alter the nature of FVCC programs and activities.

## **Documentation Standards**

Objective evidence supporting the need for an accommodation to remove a substantial limitation on school performance may include results of medical tests; comprehensive and psychological testing; achievement scores in reading, written expression, or mathematics; records of disability accommodation or services in high school or other post-secondary institution; high school or post-secondary grades; or observations from FVCC or other post-secondary institution instructors concerning the need for accommodation.

Documents must include:

- a full assessment conducted by a qualified evaluator, such as a Licensed Clinical Psychologist, Clinical Neuropsychologist, Psychiatrist, or other appropriately trained medical professional with substantial expertise in the diagnosis of adult psychological and physical disorders.
- the signature and date of the report with the name, title, and professional credentials of the evaluator and the contact information for the agency for which he works.
- findings from a physical or comprehensive clinical interview of pertinent developmental, medical, psychological, psychiatric, family, work, educational, and disability history.
- a review of past physical, psychological, psychiatric, and educational evaluations and school records.
- names of tests administered, subtest scores, and standard scores for all normed measures, including an interpretation of test performance and cognitive processing strengths and weaknesses.
- a survey of past and present symptoms, including treatment history and outcomes.
- an explanation of how symptoms of the identified condition substantially limit the individual's academic performance. (Performance is below that of the average person in the general population).

- recommended accommodations in an educational setting to remedy functional impediments caused by the diagnosed condition.

Learning Disability Documentation must include (1) an individual intelligence test, (2) an evaluation of psychological processing, and (3) an academic achievement test. A minimum discrepancy of one standard deviation between an intellectual standard score and an academic achievement standard score and a minimum of one standard deviation from the norm in either visual, auditory, motor, computation, and/or language processes must be present to qualify for accommodations

Documentation that is more than three years old may not be considered current enough to determine appropriate disability accommodations. On a case-by-case basis, documentation that does not meet these standards, along with a clinical interview with the Disabilities Coordinator, may be used to determine eligibility.

### **Confidentiality and Record Maintenance**

All information regarding a student's disability is confidential, and records are kept in a locked file cabinet in the Disability Services Office. Records are used only to determine appropriate services and will not be shared without written consent. They are not a part of a student's academic record. Files are maintained for 5 years from the date of last attendance or contact. Students are advised to retain copies of all disability documentation submitted to Disability Services.

To ensure services are provided in a timely manner:

1. Inform service providers, such as note takers or interpreters, of absences in advance.
2. Be on time for class. Service providers will wait 10 minutes only.
3. Purchase textbooks and provide a copy of the receipt to Disability Services 30 days before the semester begins to ensure conversion to accessible format before classes start.
4. Make an appointment with instructors to discuss needed accommodations listed on the accommodation card from Disability Services. Students do not have to reveal their specific disability but may choose to discuss how the disability affects their learning, so instructors can better meet their needs. Students are encouraged to meet with instructors during the office hours posted in instructors' syllabi.
5. Complete a Rental/Borrowing Contract for assistive technology before classes begin.
6. Meet with the Disability Coordinator to receive instructions on testing procedures and sign a Test Accommodation Agreement. The testing room must be reserved and instructors given a Request for Test Accommodations Form 3 days in advance of every quiz or test.
7. Request accommodations at the beginning of the semester. Accommodations cannot be applied retroactively. For example, a student who chooses not to take advantage of testing accommodations and fails a test cannot request to retake the test with accommodations.

## **Examples of Accommodations and Services Available Through Disability Services**

- Admission and registration assistance
- Advice and advocacy
- Adaptive equipment
- Alternative format textbooks
- Assistive listening device
- Note-taking assistance
- Readers and scribes for tests
- Sign language interpreters
- Testing accommodations

### **Assistive Technology at FVCC**

Available for Checkout from the Library:

- Dragon Dictation or Dragon Naturally Speaking 11 on a laptop computer

Available for Checkout from Media Services:

- Echo Smart Pen
- Sony Digital Recorders (download to computer)
- PTP1 Plectalk Pocket readers (Daisy Compatible)

Available Through Disability Services:

- Digital textbooks for students with a print disability
- Williams Sound Personal PA Broadcasting System
- Aladdin low vision magnifier
- Referrals to MonTech for technology needs and free 30-day equipment trials
- Other Assistive Technology determined necessary on a case-by-case basis

### **Attendance Accommodation**

Institutions of higher learning are not required to give students the ability to arrive or leave whenever a disability necessitates, to accept irregular, unreliable attendance, or to accommodate repeated instances of tardiness or absenteeism that frequently occur over an extended period of time without advance notice. Absences are expected to be small in number and make-up work to have short extension windows. The flexible attendance accommodation does not cover non-disability related illness or other non-medical reasons for absence. In the case of excessive absences, instructors may contact the Disability Support Services Office or discuss with the student whether his or her continued enrollment in the class is viable and if it is best to medically withdraw or take an incomplete in the class.

Reasonable modification of instructors' attendance policies may be available for students with disabilities that include random or acute episodes occasionally requiring them to be absent from class. Requests for a flexible attendance accommodation are considered on an individual and course-by-course basis. Students granted a flexible attendance accommodation are required to make arrangements for attendance each semester for each class.

To determine if attendance flexibility is a reasonable accommodation, two questions must be answered:

1. Does the student have a documented disability that directly affects the ability to attend class?

Disability Support Services will make this determination upon review of documentation from a professional qualified to assess and treat the diagnosed disability.

Documentation must include:

- The full name of the professional, with credentials, and contact information for the practice for which she works
  - The diagnosis for which the student is requesting accommodation
  - The functional impact of symptoms and how they create a substantial limitation on the student's ability to meet attendance requirements
  - The disability-related need for intermittent absence that is ongoing and unpredictable in nature and the expected lack of change in this situation for the foreseeable future
2. Is attendance an essential part of the class, and would modification of a class attendance policy result in a fundamental alteration of the curriculum or class objectives?

Instructors of higher learning define educational requirements of their classes. All students are expected to meet the same standards governing performance and conduct and complete the essential elements of a class with or without reasonable accommodations. Modifications in instructor policies may be made to ensure equal access for a student with a disability as long as such changes do not fundamentally alter the class curriculum. The amount of flexibility depends on the nature of the class and whether class participation is a factor in the final grade. Factors instructors will consider in determining whether attendance is essential to a course include:

1. Is there classroom interaction between the instructor and students and among students?
2. Do student contributions constitute a significant component of the learning process?
3. Does the fundamental nature of the course rely on student participation as an essential method for learning?
4. To what degree does a student's failure to attend constitute a significant loss to the educational experience of other students in the class?

5. What does the course description and syllabus say?
6. Which method is used to record attendance and is it factored to calculate the final grade?
7. What are the classroom practices and policies regarding attendance?
8. Is there content only offered in class?

Faculty is ultimately responsible for determining the weight and importance of class attendance and participation. Instructors determine how much time can be missed before compromising the integrity of the course based on its interactive or participatory nature. In most cases, faculty will determine a minimum of 70% class attendance as necessary to master course content. If the nature of the class includes elements such as class presentations, labs, or group projects, faculty may require a larger percentage. If faculty determines attendance and participation are integral components in meeting course objectives, flexible attendance may be deemed an unreasonable request. The Disability Coordinator will act as mediator if faculty and students cannot come to an agreement regarding the accommodation.

A Student must meet with the Disability Coordinator and provide documentation of a disability necessitating a flexible attendance accommodation. The Disability Coordinator will review medical documentation to determine if absences may exceed the specified attendance policy for a class and verify the need for a flexible attendance accommodation. If a student is granted an attendance modification, he will be given an accommodation card with the approved accommodation. The student is responsible for presenting this card to the faculty with whom he wishes to share his disability status and to set up a meeting to discuss the accommodation with each instructor. The instructor and student will complete an Attendance Modification Agreement and establish a plan of action prior to attendance becoming an issue. Once the faculty member and student have discussed and agreed upon the appropriate level of attendance flexibility, the student is accountable to comply with the attendance plan established. The student is responsible for following up with the faculty member if the attendance plan requires adjustment and for knowing the number of absences or tardies in any given course.

An assignment modification may also apply to a student with documented chronic health problems that interfere with completing an assignment within a required time frame. Students must contact instructors to request an extension in advance of each due date and develop a plan for assignment completion. Students who are eligible for this accommodation are responsible for completing all coursework.

Students must notify each instructor of the inability to attend class or meet a deadline prior to every class or deadline whenever possible. Arrangements for each deadline extension and absence must be negotiated with each instructor as the need arises. Students bear the responsibility to keep up with the reading, obtain class notes, and make up any missed assignments.

If a student becomes aware that she will be violating an attendance policy or requiring intermittent leave due to a disability but does not request accommodation or provide necessary medical documentation, the college is under no obligation to consider if there is a reasonable accommodation that might address the problem. Until a student and instructor complete and return the Attendance Modification Agreement, flexible attendance accommodations are not in place. Students who request an accommodation or provide documentation after the limit of allowable absences has occurred will not be eligible for retroactive accommodations.

### **Course Substitution Accommodation**

Requests for course substitution will be reviewed on a case-by-case basis. Contact Disability Services for assistance with completing substitution requests for an AA or AS degree or certificate program. Transfer students who do not plan to graduate from FVCC are encouraged to contact Disability Services at their intended university to determine essential program requirements for a BA or BS degree.

ADA Section 504 104.44 states "academic requirements that the [college or university] can demonstrate are essential to the instruction being pursued by such a student or to any directly related licensing requirement will not be regarded as discriminatory within the meaning of this section." Therefore, fundamental program requirements will not be considered for course substitution.

Course Substitution Procedure:

1. Students will attempt to take a required course utilizing all support services available.
2. Students will complete a substitution request and provide appropriate documentation that demonstrates the need for a course substitution to Disability Services, including
  - a. comprehensive intellectual and achievement measures.
  - b. disability diagnosis.
  - c. discussion about how the diagnosis creates functional limitations to learning and suggested accommodations to compensate for impairments in an educational setting.
  - d. signature and contact information of a professional qualified to conduct testing measures and diagnose a student's specific disability.

Learning Disability Documentation must include (1) an individual intelligence test, (2) an evaluation of psychological processing, and (3) an academic achievement test. A minimum discrepancy of one standard deviation between an intellectual standard score and an academic achievement standard score and a minimum of one standard deviation from the norm in either visual, auditory, motor, computation, and/or language processes must be present to qualify for accommodations

3. Students will sign a release of information for previous instructors of the course for which the student is requesting a substitution.



4. The Disability Coordinator will analyze educational and medical documentation to determine whether or not to recommend a substitution as an appropriate, reasonable, and necessary accommodation including:
  - a. a complete diagnostic assessment report from a qualified professional.
  - b. accommodations provided and utilized by the student and why they are insufficient to provide meaningful access.
  - c. the student's complete academic record including ACT/SAT scores, placement test scores, cumulative GPAs and semester course loads at FVCC, and transcripts from high school or other colleges.
  - d. the previous instructor's assessment of student's performance in the course for which the student is requesting a substitution.
5. The Disability Coordinator will assist the student in completing a Graduation Requirement Substitution Form.
6. To protect students' due-process rights, curricular decisions will be made after fair deliberation. A team including the Disability Coordinator, Program Director (AAS/CAS/CT programs) or Division Chair (AA and AS Degrees), General Education Team (for GE and Related Instruction courses) or Curriculum Committee, and the Vice President of Academic and Student Affairs will balance the student's individual needs with program integrity to ensure their decision provides the same experiences and opportunities for all students.
7. Faculty will examine the impact of a course substitution on the curricular integrity of an academic program and an individual's attainment of necessary skills to determine if a course substitution request denotes a reasonable accommodation. If a decision is made to deny the request, it will include the date and people who made the decision and
  - a. the unique qualities of a course requirement
  - b. potential alternatives, their cost, and feasibility
  - c. effects of alternatives on a program of study
  - d. the rationale behind the conclusion and how available alternatives would result in lowering academic standard, fundamentally alter a program, or constitute an undue burden
8. Math is considered an essential element of engineering, physics, and math majors, and a substitution for a required Math class would not be approved for these degrees. Liberal Arts curriculum has more flexibility in determining essential requirements of professionals graduating with various degrees.
9. If the student's request is approved, the student will be provided a list of approved courses that can be substituted for meeting the course requirement.
10. Substitution courses cannot be used to fulfill more than one general education requirement.

To appeal a denial of a course substitution:

1. The student may provide additional supporting material about how his disability significantly interferes with the ability to complete a course, which the course substitution team will use to reevaluate the student's petition.

2. A student may file a complaint with the Office of Civil Rights, Department of Justice, or US District Court.

Note: The Office for Civil Rights, Department of Justice, and Supreme Court cases consistently defer to the judgment of college faculty in decisions regarding curricular requirements as long as they adhere to a decision-making process about reasonable accommodations.

### **Service Animals**

FVCC enforces a no animals-on-campus policy in college buildings and facilities, including student housing with the exception of service animals as noted in the *Animals on Campus Policy* found at [fvcc.edu](http://fvcc.edu) > Current Students > Policies Procedures and Notifications > Animals > Policies. For students who require a service animal, please refer to the Animals on Campus Procedure or contact Disability Services for further information.

### **Testing Accommodations Procedure**

Test anxiety is not a disability and is not accommodated by Disability Services. If a student is struggling with test anxiety, she may schedule an appointment with Student Support Center staff to discuss strategies to reduce anxiety. For students who require testing accommodations due to a documented disability:

1. A student will meet with Disability Coordinator and provide documentation of a disability that warrants extended time, a reader, scribe, and/or testing in a distraction-reduced environment.
2. The Disability Services Coordinator will sign a Disabilities Service Card indicating the appropriate test accommodations.
3. A student will review and sign a *Test Accommodation/Student Support Center-Student Agreement*.
4. The student will present his or her Disabilities Services Card to the Student Support Center staff and schedule the private testing room **at least 3 days prior** to every test.
5. A student will pick up a pink *Request for Test Accommodations* form from the Student Support Center, complete the top section, and give the form and present his or her Disabilities Services Card to the instructor of the course for which he is seeking test accommodations at least 3 days prior to every test. Students do not need to disclose their disability to instructors, only to the Disability Services Coordinator.
6. Instructors will bring the test to the Student Support Center with their portion of the *Request for Test Accommodations* filled out or ensure that students have extended time on online tests and quizzes.
7. Students will commonly be given 1.5 x the amount of time the class is allowed to take the exam or quiz and will only be permitted what an instructor indicates they may have in the testing room. Students with scribes or readers will be granted double time.

8. Unauthorized items such as coats, backpacks, calculators, notes, books, personal computers, etc. will be left with the Student Support Center support staff.
9. Students must remain in the testing room once testing begins.
10. Tests will be scheduled as close to the class scheduled exam time as possible.
11. If students do not show up for the scheduled test, the test will be returned to the instructor.
12. The exam room will be reserved only for the time allowed for the exam. If a student is late for an exam, he will be asked to turn in his exam at the originally scheduled completion time.
13. If a student needs to reschedule an exam, she will contact the instructor directly. Disability Services or Student Support Center staff do not have the authority to reschedule tests.
14. Students must make a request for every test for which they wish to receive accommodations.

### **Accommodations Grievance Procedure**

Flathead Valley Community College Discrimination and Student Complaint Policies and Procedures will be followed as found at the FVCC web page under Current Students > Policies, Procedures & Notifications.

Before a student may file a formal complaint, he must first attempt to resolve the issue with the instructor or Division Chair for academic complaints or the employee or Department Supervisor for non-academic complaints. Conflicts are usually the result of misunderstanding or a lack of information, and individual situations call for flexibility, patience, creativity, and open communication with a willingness to listen to all perspectives and to learn.

If informal measures do not resolve the issue, a student may initiate a formal complaint. The Disability Coordinator can assist the student to complete a complaint form within 30 calendar days after the complainant knew about the complaint. This form is available under Current Students > Policies, Procedures & Notifications > Student Complaint Procedure.