

SECTION: 5. Student Policies

SUBJECT: Student Disability Services and Accommodations

Background: This policy outlines qualifications for student Disability Services, determination of accommodations, and the communication process with instructors, and relevant offices. It also provides grievance and discrimination procedures available to students.

Point of Contact: Disability Services

Other LCSC offices directly involved with implementation of this policy, or significantly affected by the policy: Student Affairs; Disability Services; Provost; Physical Plant; Security; Academic Affairs

Date of approval by LCSC authority: June 12, 2017

Date of State Board Approval: N/A

Date of Most Recent Review: N/A

Summary of Major Changes incorporated in this revision to the policy: New Policy

Purpose:

Lewis-Clark State College is committed to equal opportunity and access for people with disabilities. In compliance with applicable state or federal law, the College does not exclude otherwise qualified persons with disabilities from participating in all aspects of student life. The Disability Services office actively promotes universal design in accessibility to all components of campus including the LCSC website, facilities, communication, and instruction.

1. Summary of Applicable Law:

- A. The Americans with Disabilities Amendments Act of 2008 (ADAA) provides a comprehensive statutory and regulatory approach to eliminating discrimination against qualified persons with disabilities.
- B. Title III of the ADAA applies to public accommodations and services and specifies that “No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodation of any place of public accommodation by any person who owns, leases (or leases to) or operates a place of public accommodation.” 42 U.S.C. § 12182(a).
- C. Section 504 of the Rehabilitation Act (1973): This legislation ensures that institutions receiving federal funds (e.g., financial aid for students, funding for research) provide equal access to all services and programs, with or without accommodations. For additional information go to <https://www.ada.gov/>

2. Qualified Individual with a Disability

- A. The regulations issued by the U.S. Department of Education and under the Americans with Disabilities Amendments Act of 2008 (ADAA) broadly define a person with a disability as any person who: (1) has a physical or mental impairment that substantially limits one or more major life activities of such individual, including but not limited to, walking, caring for oneself, performing manual tasks, bending, learning, reading, concentrating, thinking, communicating,

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seeing, hearing, speaking, breathing, standing, lifting and working; (2) has a record of a disability; or (3) being regarded as having such an impairment. 42 U.S.C. § 12102(1&2).

- B. Students who “are qualified” must meet the necessary requirements of LCSC course(s) and/or program(s) in which they are enrolled, with or without reasonable accommodations.

3. Confidentiality of Medical Information

- A. Information presented to the college regarding a disability is considered an “educational record” under the Family Educational Rights and Privacy Act (FERPA).
- B. Qualified students are not required to reveal the diagnosis of their condition or the details of any medical treatment to instructors, faculty advisors or classmates.

4. Procedure for Requesting Accommodation in an Academic Setting

- A. Qualified students who wish to receive accommodations for access to their classes must self-identify and should contact the college’s Disability Services (DS) office.
- (1) A Disability Services (DS) counselor will meet with the student to complete an intake assessment. This includes:
- (a) Verification of the student’s disability and determination of the student’s functional limitations affecting academic work.
 - (b) Review of relevant documentation describing the student’s disability and associated need for course adjustments and accommodations. The DS counselor may ask for additional documentation if he or she requires clarification as to the presence of an actual disability, or if there are questions related to how the DS office can best assist a student to succeed in his/her courses.
 - (i) If there is insufficient documentation to make an informed decision, students may be referred to physicians, psychologists, or other qualified diagnosticians or medical providers for additional documentation before accommodations are granted.
 - (ii) The DS office will also review, accept and consider documentation from previous educational institutions such as high schools or other colleges or universities.
- (2) After the disability and the student’s functional limitations are verified, the DS counselor works with the student to identify the accommodations necessary for the current course and/or semester. This information is subsequently provided to the instructors using the Faculty Notification Form.
- (3) Faculty Notification Form (“Accommodations Letter”)
- (a) Students are encouraged to notify faculty and the DS office of any needed accommodations at the beginning of the semester. Once a notice is received by the DS office, accommodations could take up to five business days to arrange, and may take longer, depending on the nature of the accommodation being requested.
 - (b) Students attending courses on campus notify the faculty members directly through the presentation of the Faculty Notification Forms received by the DS office. The DS office notifies online or Coeur d’Alene Campus instructors via e-mail, advising them of the accommodations that are approved for the student.
 - (c) Accommodations are granted starting at the time the student officially enters services and receives the Faculty Notification Forms and are not applied or enforced retroactively.

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- (d) Qualified students have the right to choose whether or not to notify instructors of their specific accommodations as noted on the Faculty Notification Form.
 - (e) Instructors and the institution, are only responsible to provide the noted accommodations for the current semester, assignments, projects, etc. after they are notified through the Faculty Notification Form process. Course adjustments and accommodations are not required to be retroactive to address missed course assignments, requirements or absences.
 - (f) When there are discrepancies between the requested course adjustment and what the instructor believes is “reasonable” for their course, the DS counselor and or Director of Disability Services, along with the student will work to negotiate, and resolve the concern so appropriate accommodations are still made for the student in the classroom while preserving the learning objectives of the course.
- B. The Faculty Notification Form (“Accommodations Letter”) must be completed each semester the student is enrolled at LCSC.
- C. Students also have the right to choose not to receive accommodations and/or course adjustments in specific courses and or semesters, even when they have been granted accommodations in the past.
- D. Campus Accessibility
- (1) If the accommodation request relates primarily to barrier removal, facilities or physical accessibility at the College, the Director of Disability Services will consult and work with the Physical Plant Director and other relevant administrators, departments or individuals to make necessary adjustments or identify “reasonable” alternatives to address concerns wherever possible.
 - (2) The Director of Disability Services and the Physical Plant Director shall recommend accommodation requests to the Vice President for Student Affairs and the Vice President for Finance and Administration for final disposition in accordance with all legal requirements.

5. Accommodation Grievance Procedure

- A. Students who believe the College and the Disability Services office have not appropriately provided reasonable accommodations have the right to file a grievance.
- (1) The Student should first discuss his/her concern(s) with the Director of Disability Services and attempt to reach an acceptable agreement.
 - (2) The Director of Disability Services will conduct a review of the accommodation process, the allegation made by the student, any relevant information from faculty or staff members, and determine whether the student had accommodations appropriately met.
 - (3) The Director of Disability Services will provide a written notice to the student regarding these findings within five business (5) days after the student complaint was made.
 - (4) If the decision of the Director of Disability Services is unsatisfactory to the student, the student may request an appeal in writing to the Vice President for Student Affairs within seven (7) days of the final decision of the Director of Disability Services.
 - (5) After receiving the request, the Vice-President will schedule a meeting with the student to go over the documentation and appeal request.
 - (6) The Vice President for Student Affairs reserves the right to consult with any and all other involved faculty, students and/or staff members in order to gather additional, pertinent information regarding the student concerns, prior to rendering his or her final decision.
 - (7) Decisions by the Vice President for Student Affairs will be final and will be based on the information gathered by the Vice President's own investigation. The decision will consist of a

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- written report summarizing the evidence and stating the reasons for the decision and will be delivered to all parties concerned, within ten (10) business days of completing the review.
- (8) All timelines may vary if the investigations and review processes require additional time.

6. Disability Discrimination

- A. An individual with a disability as defined by the Americans with Disabilities Amendments Act (ADAA) who has questions or concerns about this policy or believes he or she was discriminated against by another student, faculty or staff member, or that the college is non-compliant with ADAA law should refer to the Discrimination Complaint Procedure at <http://www.lcsc.edu/policies/>, and go to Policy 3.109, or contact the college's Human Resources/Affirmative Action. In the event that the complaint or concern is levied by a student and is about a failure to accommodate a disability the Human Resources/Affirmative Action Office will refer the student to the accommodation procedure listed above.