

## **Mission of Disability Support Services**

The Disability Support Services office (DSS) recognizes disability as an aspect of diversity that is integral to society and enriches our FVCC community. Therefore, the Disability Support Services office is committed to ensuring equal access to FVCC classes, programs, facilities, and activities for our students with disabilities. We aim to amplify student ability, and to grow awareness and understanding among students, faculty, and staff at FVCC.

## **Disability Support Services Contact Information**

The Disability Support Services office is located in the Learning Resource Center. For more information or to schedule an appointment 406-756-3376, 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 34 CFR 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. Postsecondary 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 Support Services**

1. The student requests accommodations. This can be done in an email, a written letter, or by filling out a Disability Support Services Accommodation Request form. These forms are available at the front desk in the Learning Resource Center (LRC) and also on the Disability Support Services webpage.
2. The student provides current documentation to verify eligibility for disability services. See [Documentation Standards](#) below for more details. 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 during 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. Once DSS reviews the accommodation request and the disability verification paperwork, an intake meeting will be scheduled to discuss reasonable and appropriate accommodations.
4. After the intake meeting and if the student is found eligible, the DSS coordinator will draft a letter listing the student's approved accommodations. The student needs to provide written consent each semester in order for DSS to share the accommodation letter with their instructors.

## **Documentation Standards**

Current and objective evidence of a disability and supporting the need for an accommodation to access education may include results of medical tests; comprehensive and psychological testing; achievement scores in reading, written expression, or mathematics; records of previous 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.

Documents should 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 limitations caused by the diagnosed condition.

Learning Disability Documentation should 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 greater than three years old may not be sufficient for determining eligibility and appropriate accommodations.

If a student is unsure of what documentation to submit, a Disability Verification form is available at the front desk in the Learning Resource Center (LRC) and on the Disability Support Services webpage.

### **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.

## **Accommodations and Services**

Examples of accommodations and services a student could be eligible for include:

- Admission and Registration Assistance
- Advice and Advocacy
- Alternate format textbooks
- Amplification system
- Sign language interpreter
- Voice-typing
- Testing accommodations

## **Assistive Technology at FVCC**

Examples of assistive technology that a student could be eligible for include:

- Laptop with Assistive Applications
- Smart Pens (reading and recording)
- Digital Audio Recorders
- E-texts/Audiobooks
- Personal PA Broadcasting System
- Low Vision Magnifier

## **Requests for Attendance and Assignment Accommodations**

Instructors of higher learning define the educational requirements of their classes and design their courses to help students meet the defined objectives. All students are expected to meet the same standards governing performance and conduct and to complete the essential elements of a class with or without reasonable accommodations. Reasonable accommodations are provided to support equitable access to course content and instruction, and should not fundamentally alter the class curriculum and intended instructional outcomes. When a student requests an accommodation of attendance leniency or extended due dates, the decision is dependent on the construct of the individual class. An Instructor, with the support of DSS as needed, considers the following questions when determining whether attendance and adherence to assignment due dates are essential to meeting course objectives:

- What does the syllabus state in regard to attendance/participation?
- What stated learning outcomes/objectives require attendance/participation?
- Is attendance factored in as part of the final course grade? If yes, what is the percentage of the grade?

- Is there content only offered in class or could other course sections be attended for missed material?
- Are assignments used as class content when they are due? (e.g. problem sets reviewed as the lecture)
- To what degree does a student's failure to attend constitute a significant loss to the educational experience of the other students in the course?
- Does the functional nature of the course rely on student participation as an essential method of learning?
- Is the material being learned in the class sequential?
- How are students expected to interact with each other (i.e. in class, group work online or via email, etc)?

The Disability Support Services coordinator is available to meet with students and faculty to review the course syllabus as it relates to attendance and assignment timelines. Regardless of the rationale for missing a class or an assignment deadline, students are expected to employ the professional courtesy of notifying their instructor in advance whenever possible.

### **Requests for Course Substitution Accommodations**

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 form and provide appropriate documentation that demonstrates the need for a course substitution including
  - Comprehensive intellectual and achievement measures.
  - Disability diagnosis.

- Description of the disability-caused functional limitations to learning and recommended accommodations
- Signature and contact information of a professional qualified to conduct testing measures and diagnose a disability.

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 Support Services Coordinator will review educational and medical documentation to determine whether or not to recommend a substitution as an appropriate, reasonable, and necessary accommodation including:

- A complete diagnostic assessment report from a qualified professional.
- Accommodations provided and utilized by the student and why they were insufficient to provide meaningful access.
- 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.
- The previous instructor's assessment of the student's performance in the course for which the student is requesting a substitution.

5. The Disability Support Services 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 DSS 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 the people who made the decision as well as a description of:

- the unique qualities of a course requirement
- the potential alternatives, their cost, and feasibility
- the effects of alternatives on a program of study

- 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.

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 their disability significantly interferes with the ability to complete a course. The course substitution team will use the new information 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 and Emotional Support Animals**

FVCC enforces a no-animal policy in college-owned buildings and facilities including Student Housing. Exceptions are made for service animals in campus facilities and for emotional support (ESA)/companion animals in housing as outlined below.

FVCC reserves the right to revoke permission granted for the campus presence of service animals and the presence of ESA/companion animals whose owner fails to follow the requirements set forth. FVCC also reserves the right to ban service, therapy, or companion animals who do not behave appropriately.

State and federal laws have no specific provisions for people to be accompanied by ESA/companion animals in places of public accommodation that have a no-pet policy. Therefore, requests for ESA/companion animals in campus facilities will be reviewed under FVCC's policy. Requests that are not accompanied by a prescription or letter from a licensed medical professional will be denied.



All requests for an ESA/companion animal in the residence hall must be directed to the Disability Support Coordinator, [disabilitysupport@fvcc.edu](mailto:disabilitysupport@fvcc.edu). Animals are not permitted in the residence hall until final approval is granted.

### **Testing Accommodations Procedure**

Test anxiety is not a disability and is not accommodated by Disability Services. If a student is struggling with test anxiety, they 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 register with the Disability Support Services office as outlined in the [Steps to Receive Disability Support Services](#) .
2. The documentation provided when registering with DSS indicated a need for testing accommodations.
3. The student will pick up a pink 'Request for Test Accommodations' form from the Learning Resource Center (LRC) and complete the top section.
4. Students will provide the pink sheet to their instructor so that they can complete the instructor section of the form.
5. The student returns the completed pink form to the LRC at least 3 days prior to the date they are requesting and schedules their DSS proctored test date and time. Tests will be scheduled as close to the class scheduled exam time as possible.
6. The exam room is generally reserved only for the time allowed for the exam. If a student is late for an exam, it is possible that the student will not be able to receive their full accommodated time, and therefore may need to reschedule.
7. If the student needs to reschedule an exam, they should notify DSS and the instructor prior to the scheduled test time whenever possible. Disability Support Services does not have the authority to reschedule tests without instructor approval.
8. Students must make a request for each 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 > Dean of Students > Reporting Forms.

Before a student may file a formal complaint, they 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 > Dean of Students > Reporting Forms > Student Complaint.

### Self-Advocacy Tips

- Be on time for class. Service providers, such as interpreters, will wait only for 10 minutes.
- Inform service providers, such as notetakers or interpreters, of absences in advance whenever possible.
- If eligible for texts in an alternate format, provide Title, Author and ISBN information to DSS at least 15 days before the semester begins to ensure access prior to the start of classes.
- Make an appointment with instructors to discuss needed accommodations listed in your accommodation letter. Students are encouraged to meet with instructors during the office hours posted in the syllabus. ***\*Students are not required to reveal their specific disability, but may choose to discuss how the disability affects their learning.***
- Complete a Rental/Borrowing agreement for any prescribed assistive technology before classes begin.
- Meet with the DSS coordinator to receive or review instructions on procedures for requesting test accommodations.
- **Be sure to provide written consent for DSS to share your accommodations at the beginning of each new semester.** Accommodations cannot be applied retroactively. (Example: a student who chooses not to take advantage of testing accommodations and fails a test cannot request to retake the test with accommodations.)

