FACULTY & STAFF RESOURCE GUIDE:
WORKING WITH STUDENTS WITH DISABILITIES

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This handbook is available in alternate formats upon request

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Introduction from the DSPS Director

Dear College of the Desert Community:

Welcome to the College of the Desert Faculty and Staff Resource Guide for Working with Students with Disabilities. This guide is designed to assist you in working effectively with students with disabilities and contains valuable information on providing the mandated services and accommodations. Additionally, the goal of this guide is to help faculty and staff meet the legal obligations of providing all students with equal access to educational content and materials to enhance student success. DSPS strives to be proactive by assisting faculty and departments design/develop their educational content and materials with accessibility in mind. Being proactive is significantly more efficient and effective than a reactive approach of making these materials accessible after implementation.

The resource guide will introduce some strategies and best practices, such as the application of Universal Design for Learning (UDL) principles which enhance instruction for all students, including those with disabilities. It is important that faculty and staff collaborate with students to find solutions to situations encountered in and out of the classroom with regard to the student’s disability. Collaboration can be facilitated by providing information about services to students such as a statement in your class syllabus about educational accommodations and the available services for students with disabilities.

DSPS serves as a resource for all faculty and staff at COD and we are eager to work together to ensure a successful college experience for students with disabilities.

On behalf of the DSPS department, we look forward to hearing from you and we hope you find this guide a useful and supportive resource. We welcome your suggestions on this guide and how DSPS can best assist you. Also, we provide training sessions tailored to your needs; please contact us for a training appointment. Always feel free to drop by the DSPS Office to ask any questions or for additional information.

Sincerely,

Leslie Quiñones
DSPS Director
Disability by the Numbers

The California Community Colleges State Chancellor’s Office reports that approximately 11% of the CCC students have a disability. In Basic Skills classes, this number can jump up to 13 to 16%. However, statewide just over 5% of the student body is served through DSPS offices. At COD, nearly 7% of the student body is served through DSPS. This means that roughly 700 students at COD have not self-identified as having a disability. Of the 982 (annual, unduplicated) students with disabilities served at College of the Desert, the fastest growing populations include Autism Spectrum Disorder, Acquired Brain Injury and Mental Health Disorders. The latter two have increased primarily because of the number of returning veterans from the military.

Philosophy and Mission of DSPS

Philosophy

College of the Desert’s Disabled Students Programs and Services (DSPS) advocates for the integration of qualified students with disabilities into the mainstream of the college’s programs and services. DSPS is committed to serving as a resource and assisting the campus in providing support services and auxiliary aids to students with disabilities and to ensure access and equal opportunity so students with disabilities may attain their educational goals. All DSPS services are designed to enhance successful student participation at College of the Desert.

Mission Statement

Disabled Students Programs and Services at College of the Desert is committed to assisting the campus with providing students with disabilities equal access to a community college education. Through the utilization of specialized instructional programs and disability related services, DSPS encourages and fosters student independence and assists students in attaining their educational and vocational goals.

To accomplish this mission, the DSPS staff commits to the following guidelines:

- The services and auxiliary aids exceed what is available to the general student population.
- The services and auxiliary aids are offered in a timely fashion.
- The services and auxiliary aids are based on the individualized educational capabilities unique to each student.
• The services and auxiliary aids are of sufficient quality to have a positive impact on the student’s educational plan.
• The services and auxiliary aids “level the playing field” and do not give an unfair advantage to the student with a disability.
• The services and auxiliary aids are evaluated and revised, as necessary, to ensure student needs are met to the greatest possible extent.
• DSPS will foster independence and self-advocacy in the students it serves.
Legal Foundations for Academic Accommodations

The fundamental principles of nondiscrimination and accommodations in academic programs were set forth through the 1973 Rehabilitation Act, Section 504. Other applicable laws include the Americans with Disabilities Act (and its 2008 amendments), Section 508 of the Rehabilitation Act, SB 105, CA Code 7405 and Title 5 (and its 2015 updates). As well, local Board Policies and Administrative Procedures 5140 and 6365 support these pieces of legislation.

Rehabilitation Act of 1973

The Rehabilitation Act of 1973 defines individuals with disabilities covered in Title 5 as “any person who (i) has a physical or mental impairment which substantially limits one or more major life activity (e.g., caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working) and (ii) has a record of such impairment.”

Section 504 states, “No otherwise qualified individual with a disability in the United States, as defined in section 705 (20), shall, solely by reason of the 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 or under any program or activity conducted by any Executive agency or by the United States Postal Service” (The Rehabilitation Act of 1973).

The effect of Section 504 on post-secondary institutions is summed up by the concept of program accessibility to students with disabilities. “Accessibility includes the elimination of policy barriers, the provision of auxiliary aids such as readers and interpreters, and the provision of equal educational services and programs to disabled and non-disabled students, as well as the traditional physical access to the campus” (Johns, CAPED, Vol. 1 (No. 1), p. 7). Furthermore, Section 504 states, “In its course examinations or other procedures for evaluating students’ academic achievements, institutions shall provide such methods for evaluating the achievements of students who have a disability that impairs sensory, manual or speaking skills as will best ensure that the results of the evaluation represent the student’s achievement in the course, rather than a student’s impaired skills except where such skills are the factors being measured” (Section 504, Subpart E, 104.44 c).
Americans with Disabilities Act Amendments Act of 2008 (ADAAA)

In 1990, the ADA became law, extending universal civil rights protections for the first time to individuals with disabilities. The ADA was modeled on the Section 504 regulations and the federal case laws that interpret them. The ADA extended the protection for individuals with disabilities beyond federally funded institutions and was amended to the ADAAA in 2008.

The ADAAA has had a dramatic impact upon program and physical accessibility for students with disabilities. Section 36.309 of ADA (Title III) states, "Any such authority that is covered by 504, or by Title II, because it is a function of a State or local government must make all of its programs accessible to persons with disabilities, which includes physical access as well as modifications in the way the test is administered." Test accommodations include extended time, distraction-reduced setting, and assistance of a reader and/or scribe. Moreover, "A public entity offering an examination must ensure that modifications of policies, practices, or procedures or the provision of auxiliary aids and services furnish the individual with a disability an equal opportunity to demonstrate his or her knowledge or ability."

The ADAAA uses the same definition of an individual with disabilities as Section 504 and specifies three protected categories: (1) individuals who have a physical or mental impairment that substantially limits one or more major life activity; (2) individuals who have a record of a physical or mental impairment that substantially limits one or more major life activity; and (3) individuals who are regarded as having such an impairment.

Both the 1990 Americans with Disabilities Act (Title II), its amendments of 2008 and the 1973 Rehabilitation Act’s Section 504 regulations state that the college shall provide academic accommodations unless:

a) the college can demonstrate that the accommodations are not necessary to ensure nondiscriminatory participation by a student with a disability, or

b) the college can demonstrate that the academic requirement for which an adjustment is requested is “essential to the program of instruction being pursued by the student.”
Section 508 of the Rehabilitation Act

In 1998, Congress amended Section 508 of the Rehabilitation Act (19 U.S.C. 794d) to expand the federal government's responsibility to provide Information and Communication Technology (ICT) which is accessible to, and usable by, people with disabilities. Section 508 requires federal departments or agencies that develop, use, procure, maintain, or use (ICT), to ensure that the (ICT) is accessible.

In 2002, SB 105 (Burton) was signed into law. It requires that all state agencies comply with Section 508. In a Chancellor’s Office memo dated March 20, 2003 regarding Legal Opinion M 03-09: “Senate Bill 105 (Stas. 2002, ch. 1102) added language to California Code Section 11135 (now 7405) and entities receiving state funds must comply with the requirements of Section 508 and its implementing regulations set forth in Part 1194 of Title 36 of the Federal Code of Regulations.” Thus, districts are required to adopt policies and procedures to ensure that all electronic and information technologies are accessible to persons with disabilities. Before the district or college can legally purchase any software, hardware, operating system, telecommunication product, or other electronic or information technology, there must be policies and procedures in place to ensure that persons who use adaptive technology can access the information or program. In addition, all college and district web sites must be designed in such a way so that they are accessible to persons who use adaptive technology, such as screen readers and braille displays.

Title 5, California Code of Regulations

Title 5, mandated by Section 504, was revised in October of 2015 and it requires that “Each community college district has primary responsibility to insure that its programs and activities are available to all persons without regard to ethnic group identification, national origin, religion, age, race, sex or gender, color, sexual orientation, ancestry, or physical or mental disability…” No person shall be denied the benefits of any community college program or activity on the basis of ethnic group identification, national origin, religion, age, sex or gender, race, color, ancestry, sexual orientation, or physical or mental disability.
DCCD Board Policies (BP) and Administrative Procedures (AP)

- BP 5147 – Standards for Electronic and Information Technology - Section 508
- BP/AP 5140 – Disabled Students Programs and Services
- BP/AP 3440 – Service Animals
- BP/AP 5144 – Substitution of a Course Requirement for Students with Disabilities
- BP/AP 5146 – Educational Assistance Class Repeatability for Students with Disabilities
- AP 6365 – Accessibility of Information Technology
Summary of Rights and Responsibilities

Students and campus staff, including DSPS, work together and share responsibility to ensure educational support and accommodations for students with disabilities.

Rights and Responsibilities of Students with Disabilities

Students with disabilities have the right to:
- Participate voluntarily in DSPS.
- Participate in courses, programs and activities offered by the college.
- Be evaluated based on ability, not disability.
- Appeal a decision regarding accommodations through the grievance process.
- Confidentiality and protection against discrimination.

Students with disabilities have the responsibility to:
- Provide professional, documented verification of disability to the college (DSPS).
- Request accommodations in a timely manner.
- Follow policy and procedure for obtaining and using accommodations.
- Work cooperatively with DSPS and faculty to determine and implement accommodations.
- Adhere to the academic and conduct standards of the college.

Student Right to Confidentiality

Confidentiality of disability and accommodation related information is essential. All disability information that a student chooses to share with an instructor should be used only for arranging accommodations. Instructors and staff must maintain a policy of strict confidentiality about the identity of the student with a disability, the nature of the disability and the disability related accommodations s/he requires.

An instructor must not disclose or discuss information about a student’s disability or accommodations with other persons, unless the student has authorized the disclosure in writing. **It is not legal, for example, to announce by name the student who needs a note taker or to discuss the student’s disability in class or in the presence of other students.**
Faculty Rights and Responsibilities

Faculty members have the right to:

- Set and post academic standards for all students.
- Evaluate all students based on the standards of the class and to grade accordingly.
- Academic freedom of subject matter of educational content.

Faculty members have the responsibility to:

- Use DSPS as their resource to assist them in the provision of accommodations in a timely, reasonable, effective and equal manner.
- Select and use accessible methods to deliver educational content.
- Adjust methods of delivery of educational content and to assess student knowledge without fundamentally altering the nature of the course.
- Provide handouts and exams in a timely manner and in accessible formats for alternate media provision.
- Select textbooks in a timely manner so that e-text can be ordered from the publisher or converted by the DSPS office.
- Respect and maintain a student's right to confidentiality about his/her disability by not announcing or discussing the student's disability in the presence of other students or staff.
- Contact DSPS if there is a concern about any accommodation.
- Work with all campus resources including DSPS to ensure that ICT (Information and Communication Technology) is accessible to students who use assistive technology.

Faculty do not have the right to refuse to provide any accommodations, to question whether the disability exists when accommodations have been authorized by DSPS, to inquire about the nature of the student’s disability or to examine the student’s documentation.
**College and/or District Rights and Responsibilities**

The college and/or district have the right to:

- Request and review documentation that supports requests for accommodation.
- Hold all students accountable to the Student Code of Conduct.

The college and/or district have the responsibility to:

- Inform applicants and students with disabilities about the availability and range of accommodations.
- Ensure that all of its programs are accessible.
- Provide accessible college materials when necessary.
- Establish college policies and procedures for access and a process to resolve disputes.
- Communicate policies and procedures to college employees and students.
- Support an atmosphere of respect and inclusion.
- Adjust, substitute, or waive any requirement that has a disproportionately adverse impact on a disability and is not fundamental to the student's academic program.

**DSPS Rights and Responsibilities**

DSPS has the right to:

- Request and receive current documentation that supports the need for accommodations.
- Deny a request for accommodations if the documentation demonstrates that the request is not warranted or if the individual fails to provide adequate verification.
- Suspend services if a student persistently violates DSPS policies and procedures regarding academic accommodations.

DSPS has the responsibility to:

- Assist faculty/staff in providing or arranging accommodations and/or auxiliary aids.
- Hold student information confidential except where permitted or required by law.
- Communicate to students, faculty, and staff the process to request accommodations.
- Verify the student's disabilities and authorize accommodations based on functional limitations caused by the disability.
Services/Accommodations Prescribed to Eligible Students

Educational accommodations and academic adjustments make courses accessible to students with disabilities. Educational accommodations and adjustments do not alter content, only the delivery of such. By law, students with disabilities must be given the opportunity both to acquire information and to be evaluated in a way that allows the student to fully demonstrate his/her knowledge of the subject. Accommodations and adjustments are designed to assist students in overcoming functional limitations resulting from their disability and are not used to lower academic standards. Faculty deliver educational content and evaluate the knowledge of ALL of their students, including those with disabilities. DSPS serves as a resource to assist instructors with this task and to assist the college as a whole in providing educational accommodations and adjustments within respective departments. Students with disabilities are still responsible for meeting all course, attendance and conduct requirements.

DSPS Counselors/Learning Disabilities (LD) Specialists, who are College of the Desert Faculty members, prescribe services/accommodations to qualified students so they can access classes, activities and services provided by COD. The support services and accommodations must be directly related to the educational limitations of the student's disabling condition and the educational program of the student. Accommodations may include, but are not limited to, the following:

Counseling

- Specialized Academic and Disability-related Counseling
- Specialized Individual or Small Group Orientation (incoming high school students)

Classroom Related

- Interpreter Services (manual/oral/real-time translation)
- Note Taking Assistance
- Recording Lectures
- Test Taking Accommodations
- Transcription Services (braille/non-braille)
- Specialized Tutoring Support
- E-text of Course Materials
Other Services

- Specialized Classes
- High Tech Center Support Lab
- Alternate Media Formats
- Adaptive Technology, Equipment and Resources
- Registration Assistance/Priority Registration
- Learning Disability Assessment
- Adapted Physical Activity Classes

Specialized Tutoring Support

Tutoring for DSPS and all COD students is conducted in the Tutoring and Academic Skills Center (TASC). If a DSPS student feels that s/he has a need beyond what is available to them in the TASC, s/he may pursue additional assistance via DSPS and by being referred to the DSPS High Tech Center where additional help may be provided.

Note Taking Assistance

Note taking assistance may be provided in a variety of ways. Ideally, the instructor makes his/her notes available to all students thus following Universal Learning Design principles (see page 18) and eliminating the need for this accommodation. In addition, a student may be authorized to audio record his/her classes. Another option involves getting copies of notes from a volunteer peer note taker in the class. In this process, the instructor will receive a notebook either from the student or in campus mail. The notebook has information regarding the process on how to find a peer note taker in the class. The peer note taker will be given the notebook with NCR (carbonless copy) paper on which to take notes. At the end of class, the peer note taker is to put the copy of the notes in front of the class (usually on the instructor’s desk) for the student to pick up (discreetly) on his/her way out.

Please Note: Note taking arrangements must be made in a way that DOES NOT identify the DSPS student who needs the notes. The DSPS student may choose to self-disclose and be identified to the note taker but the instructor should never disclose identities of DSPS students unless explicitly asked by the student to do so on his/her behalf.

The instructor should contact DSPS if a note taker is not identified so that other arrangements can be made as soon as possible! Other note taking options may be available based on the student’s need.
Interpreting Services

Sign language interpreters are provided by DSPS for students who are deaf or hard of hearing. Eligibility for interpreting services will be determined by a DSPS Counselor and will be based on verification of disability. Techniques to accommodate sign language interpreters in your class can be discussed with the DSPS Interpreter Coordinator as needed.

Adaptive/Assistive Technologies

Specialized computers are available in various locations throughout the campus. If necessary, some training may be provided through the DSPS High Tech Center classes to enhance skills needed to use this specialized equipment. Students should be trained in the assistive technology used on these computers prior to enrolling in a class where this technology is needed. Some examples include Dragon Voice to Text, Livescribe Pen, JAWS, ZoomText, Kurzweil 3000, etc.

Alternate Media

Alternate media/reading services are used to provide an alternate format of students’ textbooks, tests or other written matter. This enables a student to access printed material in an audio or electronic version. There are a few different formats that are commonly used.

Kurzweil is an electronic audio/visual format for reading textbooks or tests. It enables a student to read the text on the computer using a specialized program. The program reads the text out loud while highlighting each word as it reads.

Learning Ally is an audio format for textbooks. Students can open their own personal account through Learning Ally for a small membership fee.

Braille, e-text, and other formats are available for students with vision impairments.

If a student is authorized for an auditory form of a test, the DSPS Alternate Media Specialist typically will need an accessible electronic version of the test. When testing and class materials are designed with access in mind (see Using Universal Design for Learning Principles in Instruction, page 18), the provision of alternate media formats is simplified and everyone benefits. The DSPS Alternate Media Specialist is the campus resource to assist faculty in providing their educational materials and tests in accessible formats.
Testing Accommodations

The following procedure applies to students who have been authorized for testing accommodations:

Please Note: Testing accommodations apply to all tests (including in class, timed essays) and quizzes (including pop-quizzes).

1. Once a student is authorized for any DSPS service, s/he presents a DSPS Faculty Notification Letter to each instructor which explains that the student is eligible for services at DSPS. A discussion regarding accommodations may take place but the student’s diagnosis is not to be a discussion topic.

2. At least one week before the test or quiz (two weeks before finals), the student makes an appointment to take the test at DSPS. The student provides the instructor with a Test Proctoring Form with the top section completed. The instructor fills out the rest of the form responding to sections with information on how the rest of the class is taking the test. The DSPS student and the instructor should review the form together and both the instructor and student sign the form.

3. The instructor delivers the completed and signed form along with the testing materials to the DSPS Proctoring Office no less than 24 hours prior to the test date so that staff may properly log and prepare the exam in a secure and organized fashion. If the test needs to be converted into an alternate format such as braille, DSPS will need longer than 24 hours to convert it (DSPS will contact the instructor if extra time is needed).

   - **Note:** Students must take the test the same day and time as the rest of the class unless they have received an exemption from DSPS and the instructor. An instructor can allow a DSPS student (or any student) to take a test at an alternative time but DSPS may not be able to proctor the test. In this circumstance, the instructor would have to supply the prescribed accommodation for the test.

4. On the day and time of the test, the student comes to DSPS to take it with the authorized accommodations. The test is returned to the instructor as is indicated on the completed Test Proctoring Form.

5. Instructors are welcome to provide the testing accommodations as prescribed within the context of their class and schedule as is reasonable to the student.
High Tech Center Classes and Support

Students who are DSPS eligible may take these very popular support services classes. Students receive academic, computer and assistive technology instruction which are arranged on an open entry and individualized basis. These classes are listed under the DSPS section of the COD class schedule and catalog.

Registration Assistance/Specialized Counseling

DSPS Counselors are available for specialized academic counseling appointments and for registration assistance appointments.
Providing Prescribed Accommodations

Services are provided for enrolled students only. Once the matriculation process is completed, students make an appointment to see a DSPS Counselor for verification of disability and to make arrangements for support services. Authorized accommodations and academic adjustments are determined and discussed with the student based upon the functional limitations of the disability.

Summary of Process for Student to Receive DSPS Services

Student provides DSPS with medical verification of disability and/or Learning Disability testing.

1. The DSPS Counselor/LD Specialist, in consultation with the student, identifies educational limitations and prescribes educational accommodations and academic adjustments.

2. Student shows a DSPS Faculty Notification Letter to instructors in a timely manner. Faculty should have a private discussion with the student about these accommodations.

3. All requests for accommodations are the responsibility of the student.

4. DSPS assists the instructor in providing accommodations, to the extent needed to ensure that equal and timely access is provided.

Instructor's Role in Providing Accommodations

Instructors play a key role in the accommodation process. The level of involvement faculty will have in the accommodation process will vary depending upon the type of accommodation prescribed, the setting for the accommodation, and the functional limitations of the student’s disability. Faculty are always welcome to supply any educational accommodation as this promotes integration rather than segregation of the student with a disability. UDL Principles (page 18) assist instructors in the delivery of their educational content so as to include every student regardless of disability.

You may want to refer a student who is having difficulties to DSPS. You could encourage the student to meet with you to discuss their learning needs and then say something like, "I noticed that you seemed to have difficulty organizing your paper. You might consider using some of the support services we have on campus such as the Tutoring and Academic Skills Center, Health Services or Disabled Students Programs and Services."

Upon receipt of the Faculty Notification Letter from the student, the instructor shall assume the responsibility of assisting in the delivery of the prescribed accommodations. IMPORTANT NOTE: Maintaining student confidentiality is critical (See page 8).
Course Syllabus Statement for DSPS

It is important for faculty to include on the syllabus a statement advising students of the process to request accommodations from the instructor. An example of a suggested syllabus statement is shown below:

- College of the Desert views disability as an important aspect of diversity, and is committed to providing equitable access to learning opportunities for all students. Disabled Students Programs and Services (DSPS) is the office that collaborates with students with disabilities to provide reasonable accommodations. Please contact the DSPS office at (760) 773-2534, dspsinfo@collegeofthedesert.edu, or visit CSSC Room 101 for more information. Once registered with DSPS, students will be provided with a DSPS Faculty Notification Letter that can be shared with faculty.
Using Universal Design for Learning (UDL) Principles in Instruction

Universal Design for Learning

According to Sheryl Burgstahler, Ph.D. (http://www.washington.edu/doit/), Universal Design for Learning (UDL) is used to develop course instruction, materials, and content so that students of all learning styles benefit without supplemental adaptation or retrofitting. UDL provides equal access to learning, not simply equal access to information. It allows the student to control the method of accessing information while the instructor monitors the learning process and initiates any beneficial methods.

Although this design enables the student to be self-sufficient, the instructor is responsible for imparting/assessing knowledge and facilitating the learning process. It should be noted that UDL does not remove academic challenges; it removes barriers to access and increases success.

UDL is the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized re-design. Making a product or a lesson accessible to people with disabilities often generates unanticipated benefits for others. For example, the captioning of course videos (which provides access to deaf students) is also a benefit to students for whom English is a second language, to some students with learning disabilities, and to anyone watching the video in a noisy environment. All students benefit from UDL Principles.

Designing web resources in accessible formats as they are developed means that no re-development may be necessary if a student with a disability enrolls in the class. Allowing all students access to your class notes and assignments on an accessible website can eliminate the need for providing material in alternate formats.

Employing UDL principles does not eliminate the need for specific accommodations for students with disabilities. For example, sign language interpreters are often needed in classroom settings for deaf and hard of hearing students. Nevertheless, the need for additional accommodations is minimized.
Principles

• Identify the essential course content.
• Clearly express the essential content along with any feedback given to the student.
• Integrate natural supports for learning (i.e., using resources already found in the environment such as a study buddy).
• Use a variety of instructional methods when presenting material.
• Allow for multiple methods of demonstrating understanding of essential course content.
• Use technology to increase (not decrease) accessibility.

Implementation

• Put course content online allowing students to “pick up” material missed in lecture.
• Use peer mentoring, group discussion and cooperative learning situations rather than strictly lecturing.
• Use guided notes to enable students to listen for essential concepts without copying notes off of overhead.
• Update course materials based on current events and student demands.
• Provide a comprehensive syllabus with clearly identified course requirements, accommodation statement and due dates.
• Vary instructional methods, provide illustrations, handouts, auditory and visual aids.
• Clarify any feedback or instructions, ask for questions and use multiple examples.
• Relate a new topic to one already learned or a real life example.
• Allow the student to demonstrate knowledge of the subject through alternative means.
• Permit and encourage the use of adaptive technology.
• Develop study guides.
• Have all handouts and text-based materials readily available in electronic format.
• Instead of giving two (2) long exams in one semester, give more frequent shorter exams.
Helpful Hints

- Make your visuals ready for delivery in alternate/accessible format.
- PowerPoint and PDF files can be made accessible.
- Have handouts, tests, et cetera available in electronic format ready to convert to alternate format in a timely fashion.
- Use all available DSPS resources to assist you in the provision of educational accommodations.
- Use MathType or LaTeX when putting any mathematical or scientific equations on paper or in documents.
- Have your textbook list available EARLY so transcribing into an alternate format of it can be performed in a timely fashion.
- Always play it safe and consult with DSPS when any uncertainties arise. DSPS is there to assist you in the timely, accurate and reasonable provision of your educational content to students.
Appendix A: Frequently Asked Questions

Is DSPS the same as Special Education?

There is no special education in postsecondary education. The Individuals with Disabilities Education Act (IDEA), the federal law that applies to education of students with disabilities in K-12, does not apply to postsecondary schools. Because K-12 education is mandated while postsecondary education is not, the rights and responsibilities of students with disabilities are different in K-12 than in college. The primary focus of postsecondary disability services is to ensure that students with disabilities receive classroom accommodations to which they are legally entitled. The law mandates equal access to instruction but does not require fundamental alteration of educational programs.

Who is responsible for determining appropriate accommodations?

The college’s designated office, Disabled Students Programs and Services (DSPS), has the professional expertise to verify disabilities and determine appropriate accommodations. Accommodations are based upon documentation collected from a student with a disability and on the student’s functional limitations caused by the disabilities. Instructors should not attempt to verify disabilities nor should they determine accommodations. It is always the student’s responsibility to inform the instructor, in a timely manner, that they may be using accommodations. The student must provide the instructor with the DSPS Faculty Notification Letter as notification of his/her accommodations.

Are all students with disabilities registered with disability services?

No, it is likely that some students with disabilities have chosen not to register with DSPS or they may not have completed the required documentation and intake process to establish eligibility. These students must still provide professional verification of a disability and have the right to accommodations based upon the ADA and Section 504. Instructors should not attempt to verify a disability and should refer a student who is asking for accommodations to DSPS or the ADA/504 Compliance Officer if they choose not to use DSPS. Once verified, the accommodations will be prescribed and a plan developed to provide the accommodation. All of this is completed assuming that timely notification was provided at each step by the student. In addition, a significant number of students may have a disability that has never been identified. When meeting privately with a struggling student, an
Do I have the right to know the nature of a student’s disability?

The information regarding a student’s disability should be shared only when there is a compelling reason for disclosure. The U.S. Department of Justice has indicated that a faculty member generally does not have a need to know what the disability is, only that it has been appropriately verified by the office assigned this responsibility on behalf of the institution. Students may submit their verification to DSPS without disclosing to the instructor the specific nature of their disability. Upon a student’s request for accommodations, the college and the instructor are required by law to properly accommodate the student.

What if a faculty member does not allow accommodations?

Federal law, state law and District Board policy state that the college is mandated to provide equal access. In the area of academic accommodations, the role of DSPS is to assist the college and instructors in meeting their legal obligations to students with disabilities. If an instructor receives an accommodation form and does not understand or disagrees with the accommodation, it is the instructor’s professional responsibility to contact DSPS to discuss the issue. In the event the instructor discusses the issue with DSPS and there is still disagreement, the District 504/ADA Compliance Officer will review the case and make an interim decision pending resolution through the student grievance procedure. Until a decision is made, the accommodation must be provided. Disallowing the accommodation or telling the student, "You don't need this," or "I don't believe in learning disabilities," is illegal and puts the instructor, college, and district at risk of legal action. Blatant denial of accommodations can also lead to the instructor being held personally liable.

May faculty give a failing grade to a student with a disability?

The laws mandate access to education, not guaranteed academic success. When a faculty member has communicated clear expectations for performance to his/her students, has provided or allowed academic accommodations as authorized by DSPS, has worked with DSPS to ensure that course materials are accessible to the student if s/he needs alternate formats (e.g. braille, electronic text, large print, tactile graphics, video captioning, etc.) and the student does not meet the course requirements, then failing a student is proper and lawful.
Are faculty expected to accommodate disruptive behavior?

In the postsecondary setting all students, disabled or not, are expected to follow the Student Code of Conduct as found in the college catalog. Sometimes it is assumed automatically that students with behavioral issues are students with disabilities and DSPS receives phone calls asking that we intervene. Some students with behavior problems may benefit from a referral to DSPS (especially if behavior is caused by undiagnosed learning disabilities, mental health disabilities, or frustration caused by lack of success in classes). Confidentiality requirements prevent DSPS staff from divulging if the student is already receiving DSPS services. DSPS can talk in generalities about methods to handle behaviors. It is best, however, to follow the standard college procedure if a student is disruptive. Consultation with your Dean is always safe.

Is extended time on tests unfair?

As with all accommodations, DSPS takes pride in ensuring that accommodations “level the playing field” and do not give the student an unfair advantage. Many students with disabilities are put at a disadvantage by having to take timed tests. Some examples of this include students who process information slower as a result of a learning disability or brain injury, students who have mobility challenges and take longer to write or use a computer and students who have various health impairments who fatigue easily and need breaks during long exams. The DSPS Counselors authorize this accommodation to students who have a disability-related educational limitation so that the student can demonstrate what they know rather than how fast they can complete it.

All test sessions are monitored at regular intervals by DSPS staff. Staff may enter the testing area at any time during the test session and surveillance cameras are utilized to ensure the integrity of the examination environment. Any item not specified on the Test Proctoring Form is not allowed in the testing room. Students are not permitted to leave the testing room for any reason unless prior arrangements have been made. Unethical behavior is reported to the instructor, the test is collected and the testing is stopped.

If I have quizzes/pop quizzes every day in my class, are accommodations required?

Testing accommodations apply to quizzes, pop quizzes, and any assessment of student knowledge where time is a factor. Some students will need access to a proctor, alternate format and/or extended time. Instructors are welcome to provide the testing accommodations as prescribed by the DSPS Counselor and DSPS can assist the instructor with these tasks. Feel free to
contact DSPS to brainstorm how accommodations should be provided for these types of assessments.

**Must I allow a student with a disability to make up an exam missed?**

If a student misses an exam for a disability/medically-related reason and shows verification of an **extenuating circumstance**, it is highly recommended that the instructor consider allowing a makeup exam or not count this exam in their grade calculation. If there were no **extenuating circumstances**, then normally an exception would not be required. DSPS can assist you in making this decision.

**Does Academic Freedom protect me from certain disability-related complaints?**

There is a simple “Content and Container” way of looking at academic freedom and disability-related complaints. Academic freedom deals with the subject-based content that the instructor wants to pass on to students. Typically, disability-related laws do not deal with this matter. However, the method by which the instructor chooses to deliver this content to students could lead to a discrimination complaint. If the instructor chooses a “container” that is not accessible to students with disabilities then this student does not have equal access to the content. Academic freedom does not protect the instructor if the instructor chooses a non-accessible “container” to deliver the content.

**Will DSPS administer all testing accommodations - extended time, alternate formats?**

Understanding that the assessment of knowledge falls under the purview of the instructor, DSPS will assist the instructor by administering testing accommodations and providing alternate formats **only** if the instructor follows the policies and procedures of this accommodation (see Appendix B). If an instructor is unable to follow the DSPS testing accommodations policies and procedures, then s/he will assume the responsibility of providing the accommodation as prescribed by the DSPS Counselor.
Appendix B: Testing Procedures

While it is the role of the instructor to assess the knowledge of all of their students, instructors may utilize DSPS as a resource to assist them in delivering prescribed, mandated testing accommodations in an equal and effective manner.

When instructors receive timely requests from students to use the DSPS Proctoring Services, instructors either provide the mandated accommodations themselves as prescribed by DSPS or proceed as outlined below:

1. The student provides the instructor with a Faculty Notification Letter which informs the instructor that the student has an active file with DSPS and is entitled to services that may include testing accommodations.

2. **At least one week before the test or quiz** is scheduled to be taken, and **two weeks before the final exam is scheduled**, the student must give the instructor the Test Proctoring Form with the top student portion completed.

3. Before the Test Proctoring Form is returned to DSPS, the student and instructor meet to discuss the portion of the instructions completed by the instructor to ensure that the student understands the following:
   
   • The materials that the instructor is allowing the students in class to use.
   
   • Any special directions or instructions that apply to the test. **We ask that the instructor take particular care in completing the form because the directions given are the only ones the DSPS test proctors have to guide them when administering a quiz or test.**
   
   • **Students should always take the test on the same day and time as the rest of the class unless there are extenuating circumstances approved by DSPS and the instructor in advance. Note any time change on this form.** The date and time the test was taken is logged in the DSPS Proctoring Office.

4. The instructor signs the Test Proctoring Form and attaches it to the test or quiz, and can either email it (dspsinfo@collegeofthedesert.edu), hand deliver it to the DSPS office, or place it in the lock box located outside the DSPS office.

5. The instructor submits the exam to the DSPS Proctoring Office **no less than 24 hours prior to the test date** so that staff may properly log and prepare the exam in a secure and organized fashion. If the test needs to
be converted into an alternate format such as braille, DSPS will need longer than 24 hours to convert it. DSPS will contact the instructor if extra time is needed to convert the assessment materials.

**Additional Information:**

- If students testing in the regular classroom are allowed to ask questions to their instructor regarding their exam, then students testing in DSPS Proctoring Office will also be allowed to ask questions to their instructor. DSPS will coordinate with the instructor to provide access to information via classroom questions and/or chart/wall displays when applicable.

- If the exam is for a night class that meets only once a week, then additional time is needed to ensure delivery of the exam. These exams may need to be arranged over a week in advance. A discussion with the student is recommended so arrangements may be worked out with him/her.

- Please contact the DSPS Proctoring Office if guidance is needed with testing accommodations or if you have any related questions at (760) 773-2525 or dspsinfo@collegeofthedesert.edu.
Appendix C: A Note about Military Veteran Students with Disabilities

It is important to include some general information about Military Veterans who attend College of the Desert. A significant number of Veterans are discharged from the service with a disability rating. Another significant number have a disability but do not seek a rating with the VA. Most Veterans do not choose to associate themselves with the DSPS office as they consider themselves wounded warriors and not disabled students. With Veteran enrollment on the rise, you will come in contact with Veterans who need the support of DSPS. Please take the time to refer them to all the services available on campus including DSPS and the Health Services Center. If you want additional information on student Veterans, please visit or contact the Veterans Resource Center. They can refer you to additional resources and trainings on Veteran awareness on the college campus.
Appendix D: Animals on Campus and in the Classroom at COD

What is the law?

Service animals are defined as dogs or miniature horses that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog (or miniature horse) has been trained to provide must be directly related to the person’s disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA. - ADA 2010 Revised Requirements, US Department of Justice, Civil Rights Division

What can be asked of the student handler?

Two, and only two, questions may legally be asked of the student who has the dog or miniature horse.

1) Is the dog (miniature horse) required because of a disability?
   • If the student answers “Yes,” then you may ask question 2.

2) What work or task has the dog (miniature horse) been trained to perform?

NOTE: You may not ask these questions if the need is obvious, e.g., blind person with dog, dog pulling a wheelchair, etc. There is no requirement that these questions must be asked. Sometimes it is best practice not to intervene unless the animal is disruptive to the educational environment. If the animal is disruptive, you may simply ask the animal to leave without question.

What cannot be asked of the student handler?

- Cannot ask anything about the handler’s disability.
- Cannot ask for medical documentation to support the need for the service animal.
- Cannot ask for documentation that the service animal has been trained, certified, or licensed.
- Cannot ask that the animal demonstrate its ability to perform its work or task.
- Cannot ask that the service animal wear a vest identifying that it is a service animal.
Can the service animal be excluded from the class or premises?

No. On the college campus, the service animal is an extension of the student. Both the student and the service animal must adhere to the Standards of Student Conduct as outlined in Board Policy 5500. However, if the service animal is disruptive to the educational environment, it may be excluded from the class or premises. Instructors are the classroom managers and can make this decision. Consultation with the area Dean is always an option for assistance with making this decision.

What if a student states that their animal is a comfort, therapy or emotional support animal (ESA)?

The Office of Civil Rights (OCR) has recently ruled that an ESA might be allowable as a prescribed accommodation from a licensed professional. As with any other accommodation based upon a disability, DSPS is the designated office to verify disabilities and to prescribe and approve accommodations. If the student does not give clear answers to the two Service Animal questions above or states that the animal is an ESA, the student should be referred to DSPS for verification of the need for the ESA. If the ESA is disruptive to the educational environment, it may be excluded from the class or premises. Consultation with the area Dean is always an option for assistance with making this decision. Note: Monkeys and reptiles are prohibited from serving as ESAs by the Center for Disease Control (CDC).
Appendix E: Resources

Attention Deficit/Hyperactivity Disorder

Children and Adults with Attention Deficit/Hyperactivity Disorder (CHADD) www.chadd.org

Assistive Technology Resources

Archimedes Project, University of Hawaii archimedes.hawaii.edu

Center for Applied Special Technology (CAST) www.cast.org

Equal Access to Software and Information (Project EASI) www.easi.cc

Georgia Tech, Center for Assistive Technology and Environmental Access (CATEA) www.catea.gatech.edu

California Community Colleges Accessibility Center www.cccaccessibility.org

Web Accessibility Initiative (WAI) www.w3.org/WAI

Web AIM (Web Accessibility in Mind) www.webaim.org

Deafness and Hearing Loss

American Speech-Language-Hearing Association (ASHA) www.asha.org

Laurent Clerc National Deaf Education Center, Gallaudet University www.gallaudet.edu/clerc-center

National Deaf Center of Postsecondary Outcomes (NDC) www.nationaldeafcenter.org

Disability Organizations and Information

Association on Higher Education and Disability (AHEAD) www.ahead.org

California Association for Postsecondary Education and Disability (CAPED) www.caped.io

National Institute of Neurological Disorders and Stroke (NINDS) - National Institutes of Health www.ninds.nih.gov

National Organization on Disability (NOD) www.nod.org

University of Washington DO-IT Program, AccessCollege: The Faculty Room www.washington.edu/doitprograms/accesscollege/faculty-room/overview
Learning Disability
Learning Disabilities Association of America (LDA) www.ldaamerica.org
LD Online The Educators’ Guide to Learning Disabilities and ADHD www.ldonline.org
National Center for Learning Disabilities www.ncld.org

Low Vision and Blindness
American Foundation for the Blind (AFB) www.afb.org
National Library Service for the Blind and Physically Handicapped (NLS), Library of Congress www.loc.gov/nls

Mobility Impairment
Mobility International USA (MIUSA) www.miusa.org

Universal Design for Learning
The Center for Universal Design in Education, DO-IT University of Washington www.washington.edu/doit/programs/center-universal-design-education/overview
Appendix F: Accessibility Tips & Tricks

WCAG 2.1 at a Glance

This page provides a paraphrased summary of Web Content Accessibility Guidelines (WCAG) 2.1. For the normative technical specification, see www.w3.org/TR/WCAG21

Perceivable

- Provide **text alternatives** for non-text content.
- Provide **captions and other alternatives** for multimedia.
- Create content that can be **presented in different ways**, including by assistive technologies, without losing meaning.
- Make it easier for users to **see and hear content**.

Operable

- Make all functionality available from a **keyboard**.
- Give users **enough time** to read and use content.
- Do not use content that causes **seizures** or physical reactions.
- Help users **navigate and find content**.
- Make it easier to use inputs other than **keyboard**.

Understandable

- Make text **readable and understandable**.
- Make content appear and operate in **predictable** ways.
- Help users **avoid and correct mistakes**.

Robust

- Maximize **compatibility** with current and future user tools.

Please see the following key resources for learning and using WCAG 2.1:

- WCAG Overview www.w3.org/WAI/standards-guidelines/wcag
- How to Meet WCAG 2: A customizable quick reference to Web Content Accessibility Guidelines (WCAG) 2 requirements (success criteria) and techniques. www.w3.org/WAI/WCAG21/quickref

Online at www.w3.org/WAI/standards-guidelines/wcag/glance

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Acknowledgements

The resource guide documents were adapted from the following institutions:

- Fullerton College, *Faculty Resource Guide*
- California Community College’s Chancellor’s Office
- California State University, Fullerton, *Faculty and Staff Handbook*
- California State University, Long Beach, *Disabled Student Services’ Faculty Handbook*
- De Anza College, *Students with Disabilities: Faculty and Staff Resource Guide*
- Foothill College, *Information for Faculty*
- MiraCosta College, *Faculty Handbook for Students with Disabilities*
- Mt. San Jacinto College, *DSP&S Faculty Handbook*
- Ohio State University, *Instructor Handbook: Teaching Students with Disabilities*
- Riverside Community College District, *DSPS Faculty Handbook*
- Saddleback College, *Partnership: A Faculty Guide to Special Services*