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September 28, 1990

**PD 90-04**

TO: Vice Presidents, Deans, Directors, and Department Chairs

FROM: Gail Fullerton, President 

SUBJECT: Presidential Directive 90-04: Supersedes PD90-03

## **ACCOMMODATIONS FOR DISABLED STUDENTS**

### **PURPOSE:**

It is the purpose of this Presidential Directive to assure that San Jose State University continues to comply with all Federal and State legislation and California State University policies regarding the provision of services to students with disabilities. This Presidential Directive has been developed in response to Section 504 of the Federal Rehabilitation Act of 1973; State of California ACR 201 (1976); ACR 3 (1985); A8746 (1987); and California State University AAES 89-07 "Policy for the Provision of Services to Students with Disabilities."

### **HISTORY:**

Since 1972 the University has had a Disabled Student Services Program that provides counseling and support services for students who have physical, emotional, learning and other verified disabilities. To assist the University in making reasonable accommodations, Disabled Student Services provides diagnostic assessment, reader services, specialized test taking arrangements, transcription services, specialized tutoring services, and both note-takers and sign-language interpreters. In addition, Disabled Student Services provides disability-related counseling and advising, and access to computers and other technological assistance adapted to disabilities.

### **GUIDELINES:**

Section 504 Regulation states that a university shall provide academic adjustments unless: (a) the university can demonstrate that the adjustments are not necessary to ensure nondiscriminatory participation by a handicapped student, or (b) the university can demonstrate that the academic requirement for which an adjustment is requested "[is] essential to the program of instruction being pursued by [the] student." With respect to auxiliary aids, the university must provide such

auxiliary aids as are necessary to ensure that handicapped students are not "denied the benefits of, excluded from participation in, or otherwise subjected to discrimination in" the program. That is, the University is required to make adjustments to the known physical and mental limitations of otherwise qualified disabled students, unless it can demonstrate that one or the other of those two exceptions pertains. The intent is to "level the playing field," not to guarantee the outcome of the student's educational endeavor.

The University views the provision of accommodation for disabled students as a cooperative effort, involving faculty, staff, and students.

1) It is the responsibility of students with disabilities to do the following:

- a) Identify themselves and provide verification of their disability to Disabled Student Services.
- b) Provide testing and evaluation results dated no more than three years prior to the date on which the student requests accommodation for learning disabilities.
- c) Consult with Disabled Student Services regarding specific accommodation requests.
- d) Take, in a timely manner, the recommendations of Disabled Student Services for accommodation to the department from whom accommodation or support services are requested.
- e) Abide by departmental, school, and University policies and academic regulations, as all students are expected to do.

2) It is the responsibility of Disabled Student Services to do the following:

- a) Keep confidential records for each disabled student.
- b) Provide disability-related counseling and advising.
- c) Provide access, where feasible, to computers and other technological adaptations to disabilities.
- d) Identify and recommend appropriate accommodations for students with disabilities, including verified learning disabilities.

3) It is the responsibility of academic departments to do the following:

- a) Make accommodations recommended by the Office of Disabled Student Services for students with disabilities, including verified learning disabilities, unless the department can demonstrate either that the adjustments are not necessary to ensure nondiscriminatory participation by a handicapped student, or that the academic requirement for which an adjustment is requested is essential to the program of instruction being pursued by the student.

- b) Consult with the Director of Disabled Student Services regarding specific recommendations for accommodation for an individual student, particularly if special test-taking procedures or adaptations for testing are Involved.
- c) Keep a confidential record of all accommodations made for students with disabilities.

### **CONFLICT RESOLUTION:**

Students with disabilities who wish to appeal a denial of requested accommodation should contact the Assistant Director of Equal Employment Opportunity and Affirmative Action (EEO/AA), who will seek first to resolve the conflict by informal means. If an informal resolution is not possible, the Assistant Director of EEO/AA will investigate the complaint within the guidelines of the CSU Policy for the Provision of Services to Students with Disabilities (AAES 89-07; BP 89-08). At the conclusion of the investigation, the Assistant Director of EEO/AA will report the findings to the President who will take appropriate action.