

May 28, 2014

Code: AA-2014-08

MEMORANDUM

TO: CSU Presidents 

FROM: Ephraim P. Smith 
Executive Vice Chancellor and Chief Academic Officer

SUBJECT: Policy for the Provision of Accommodations and Support Services to Students with Disabilities

Attached is a copy of the revised Policy for the Provision of Accommodations and Support Services to Students with Disabilities. This policy is effective May 28, 2014 and supersedes coded memorandum AA 2009-27.

The Policy for Provision of Accommodations and Support Services to Students with Disabilities was drafted by the Systemwide Advisory Committee for Services to Students with Disabilities and represents more than two years of discussion, consultation, and analysis with CSU vice presidents of student affairs, provosts/vice presidents of academic affairs, directors of services to students with disabilities programs, the Academic Senate of the CSU, and the California State Student Association. The Office of Gene Counsel also provided input and advice during the revision process. The attached policy will result in enhanced and increasingly consistent levels of service to students with disabilities on all CSU campuses.

Questions about the policy may be directed to Mr. Ray Murillo, Director of Student Programs, Academic

THE CALIFORNIA STATE UNIVERSITY

Policy for the Provision of Accommodations and Support Services to Students with Disabilities

Introduction

The California State University (CSU) Policy for Provision of Accommodations and Support Services to Students with Disabilities prohibits unlawful discrimination against students on the basis of disability in CSU programs, services, and activities, in accordance with, but not limited to, the Americans with Disabilities Act of 1990 amended 2008 (ADAAA

B. An individual with a disability shall refer to:

1. Any person who has a physical or mental impairment that limits one or more of the major life activities of such individual,
2. Any person who has a record of such impairment, or
3. Any person who is regarded as having such impairment.

C. A qualified individual with a disability shall mean an individual with a disability who:

1. Meets the academic and technical standards requisite for admission or participation in the education programs of the CSU campuses. This includes students with disabilities participating in clinical or field placements that are a part of the course of study.
shall mean
2. Meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity regardless of:
 - a. Reasonable modifications to rules, policies or practices
 - b. The provision of auxiliary aids and services
 - c. The removal of architectural, communication, or transportation barriers

III. CSU Disability Categories for Reporting Purposes

For reporting purposes, an individual shall be counted in at least one category, that of the primary functional limitation. Although ADAAA guidelines and California state law may not require that campuses provide accommodations to students with temporary disabilities, campuses may decide on a case-by-case basis to provide accommodations and support to temporarily disabled students.

- D. Mobility limitation: Limitation in locomotion or motor functions that indicates a need for accommodations, support services, or programs. Included in this category are persons who have asthma, cardiovascular problems, or other physical limitations that restrict the ability to function without accommodation in the campus environment.
- E. Learning disability: A generic term that refers to the heterogeneous group of disorders manifested by difficulties in the acquisition and use of listening, speaking, reading, writing, reasoning, or mathematical abilities presumed to be due to central nervous system dysfunction. Even though a learning disability may exist concomitantly with other

IV. Determination of Disability

A. Authority to determine disability status:

The campus director or designee of the program for services to students with disabilities shall have the ultimate authority to determine disability status, and the decision shall be subject to the provisions below and to established appeal procedures.

B. Determination of evident disability:

The campus director or designee of the program for services to students with disabilities has the authority to determine the presence of a disability, without corroborating documentation, if the nature and extent of the disability is evident.

C. Documentation of disability:

There is no legal requirement that documentation be requested or obtained in order to demonstrate entitlement to legal protections because of disability or to seek reasonable accommodations. The law (e.g., ADA) acknowledges that postsecondary institutions may, as part of an interactive process, request a reasonable level of documentation. The primary reasons for obtaining and reviewing documentation should be to:

Information from External or Third Parties: Unless the existence of a disability and the need for accommodation is self-evident, some corroborating documentation is typically needed. Documentation from external sources may include educational or medical records, reports and assessments created by health care providers, school psychologists, teachers, or the educational system. This information is inclusive of documents that reflect education and accommodation history, as well as teacher observations. External documentation will vary in its relevance and value depending on the original context, credentials of the evaluator, the level of detail provided, and the comprehensiveness of the narrative. However, oral and other documentation are meaningful and should be mined for pertinent information.

D. Transfer students with disability status:

A student who has transferred as a student with a disability and received services from a California Community College, the University of California or any other regionally accredited postsecondary institution may be eligible for academic accommodations or support services at a California State University campus if appropriate documentation is received determining the existence of a disability by the criteria used by the CSU. The campus director or designee of the program for services to students with disabilities shall have ultimate authority to determine disability status, subject to established appeal procedures.

E. Confidentiality

Each CSU campus shall maintain appropriate confidential records that identify address, campus student identification number, nature of disability, support services needed, and determination statement of the director or designee of services to student with disabilities, and documentation provided by the student. Cmn"uwej"tgeqtfu."kpenwfkpi"ogfkecn"tgeqtfu."ujcnn"dg"eqpukfgtgf"ögfweckqp"tgeqtfu"rtqvgevgf"d{"vjg"Hco kn{"Gfwecvkqpcn"Rights and Privacy Act of 1974 (FERPA) and its regulations. Although certain medical records are exempt from HGTRC"ou fghkpkvkqp"qh"ögfweckqp"tgeqtfu.ö"vjcv"gzgo rvkqp"fqgu"pqv"cr rn{"vq" medical records maintained by a campus program for services to students with disabilities. Accordingly, confidential records will be protected in accordance with FERPA regulations with the purpose of providing appropriate academic accommodations or adaptation of curricula. Information about the student may be released with the wfgpvou"kphtogf"y tkvvgp"eqpugpv"kp"ceeqtfcpeg"ykvj" FERPA or other applicable law.

V. Program Coordination

The CSU president or designee(s) on each campus shall have the primary responsibility for ensuring that all campus programs, services, and activities are available to students with disabilities. The CSU Office of the Chancellor shall be responsible for ensuring systemwide accessibility of the CSU programs, services, and activities to students with disabilities.

VII. Communications Technology, Auxiliary Aids, and Services

A. Access

Section 11135 of the California Government Code was amended in 2003 to make clear that Section 508 of the 1973 Rehabilitation Act applies to the CSU. Section 508 addresses all aspects of access to information technology, web

Accommodations and support services offered through the campus services to students with disabilities programs may not duplicate services or instruction available to all CSU students. For example, personal assistants, individually prescribed devices, readers for personal use, or devices or services of a personal nature are not required under applicable law.

B. Common accommodations

Accommodations, support services, and programs that are available to students may include, but are not limited to:

1. Activities to coordinate and administer specialized services, including consultation with faculty for students with academic needs associated with their disabilities.
2. Disability-related counseling and advising.
3. Liaisons with campus and community agencies, including referral and follow up services to these agencies on behalf of students with disabilities.
4. Assistive technologies (e.g., TTY, CCTV, video phones, assistive listening devices, assistive computer hardware or software) including new devices that may become available with emerging technology.
5. Oral and sign language interpreters.
6. Note takers for writing, note taking, and manual manipulation for classroom and academic activities.
7. On-campus mobility assistance (shuttle services) to/from college courses and related educational activities (provided only by campuses whose topography and activities require such accommodation).
8. Readers.
9. Realtime transcription
10. Registration assistance, including priority enrollment assistance with applications for financial aid, and related college services.
11. Conversion of instructional materials to accessible formats, including but not limited to, taped, large print, electronic screen-readable text, and Braille.
12. Accessible parking, including on-campus parking registration, temporary parking permit arrangements, and application assistance for students who do not have state DMV Disabled Person Parking Placards or Plates. Students in the possession of a DMV Placard or Plates, with great financial need, may apply for a waiver of parking fees.
13. Supplemental specialized orientation to acquaint students with the campus environment.
14. Test accommodation including, but not limited to, extended time; proctoring; adapting the mode or presentation without changing content; conversion of the test to alternative format; and provision of a distraction-reduced environment.

15. Campuses may elect to offer specialized tutoring or diagnostic assessment that is not otherwise provided by the campus.

C. Support service providers

The campus director or designee of the program for services to students with disabilities shall be responsible for the recruitment of an adequate pool of qualified persons to serve as interpreters, transcribers, readers, note takers, and similar support service personnel.

Students with disabilities needing assistance of such persons shall have an opportunity to be involved in the selection process to determine their appropriateness and to ensure the person under consideration has an adequate skill level. California Education Code Section 67306 provides that students may

IX. Services to Students in Continuing/Extended Education Programs

Each CSU campus is responsible for ensuring that students with disabilities are provided reasonable accommodations regardless of the type of, sponsored activity, in which the student is enrolled. It is the responsibility of the extended/continuing education office on each campus to fund support services for qualified students with disabilities enrolled in extended/continuing education courses, including online courses. Such services may include interpreter, transcribers for classroom and online instruction, readers, note takers, test proctors, and the provision of instructional materials in alternative formats. This policy is consistent with existing CSU policy that limits the use of state funds for providing educational support services to regularly enrolled students.

X. Provision of Services

Students in need of auxiliary aids and services and reasonable modifications or accommodations should make their requests to the office of services to students with disabilities as early as possible in order to facilitate scheduling or the acquisition of personnel, equipment, and/or other materials. Directors of the program for students with disabilities shall establish campus guidelines to implement the provision of services.

XI. Appeals Procedures

Students denied a requested accommodation may appeal the decision through on campus informal and formal dispute resolution processes. Each campus shall adopt and publish grievance procedures providing for appropriate process procedures and for prompt and equitable dispute resolution. Services authorized by the director of the program for students with disabilities must continue during the grievance process.

XII. Advisory Committees

A. Systemwide Advisory Committee

A systemwide advisory committee on services to students with disabilities shall be established by the Office of the Chancellor to review, evaluate, and recommend systemwide educational and administrative policies that address the needs of students with disabilities. The Systemwide Advisory Committee shall meet annually as necessary and maintain and make available summary notes of the meetings. Membership should include representation from a variety of campuses and disability categories.

Membership and Terms of Office:

1. Chair to be appointed by the Chancellor/~~year~~ term.
2. Two Vice Presidents for Student Affairs/~~year~~ term.
3. One Provost/Vice President for Academic Affairs/~~year~~ term.
4. Three Directors of Services to Students with Disabilities/~~year~~ term.
5. Five students with disabilities representing a variety of disability categories/~~year~~ term

Membership and Terms of Office

Appendix A

CALIFORNIA STATE UNIVERSITY

Guidelines for the Assessment and Determination
of
Students with Learning Disabilities

The California State University prohibits unlawful discrimination against students on the basis of disability in its programs, services, and activities, in accordance with sections 504 & 508 of the Federal Rehabilitation Act of 1973, as amended; Title 2 of the Americans with Disabilities Act of 1990, as amended 2008 (ADA), applicable state laws and regulations including fair employment and housing laws; and pursuant to the Services to Students for the assessment and determination of students with learning disabilities for the purpose of providing accommodations and support services are presented in this document, State University Guidelines for the Assessment and Determination

II. Qualifications to Diagnose

To be considered qualified to diagnose specific learning disabilities, the professional(s) external and internal to the CSU shall have training and experience in the assessment and diagnosis of learning disabilities in adolescents and adults. Qualified professionals include clinical or educational psychologists, school psychologists, neuropsychologists, and credentialed learning disabilities specialists and other professionals whose training and experience includes the diagnostic practice of adolescents and adults.

For campuses that do not have a dedicated Learning Disability Specialist, certain other professionals within the Disability Services Department, such as disability counselors or educational resource specialists, determine the existence of a learning disability for the purpose of program eligibility by critical analysis of appropriate documentation submitted by an applicant, prior successful use of specific accommodations and interactive interviews if they have training and experience to do so.

All documentation must be in English (preferably typed), presented on letterhead, credentials, and/or license number as appropriate. It is not considered appropriate or acceptable for professionals to evaluate members of their families.

III. Assessment and Substantiation of a Learning Disability

A. Background

The guidelines for the appropriate elements of assessment and determination of students with learning disabilities are consistent with the AHEAD Guidelines (2012) and the CSU Policy for the Provision of Accommodations and Support Services to Students with Disabilities (20). Documentation should validate the need for accommodations at the level of functioning in the educational setting. A school plan, such as an Individualized Education Program (IEP) or a 504 plan alone is insufficient documentation but may be included as historical information in a more comprehensive assessment battery.

Confidential records will be protected in accordance with the Family Education Rights and Privacy Act (FERPA) and its regulations as stated in the CSU Policy:

Each CSU campus shall maintain appropriate confidential records that identify campus student identification number, nature of disability, support services needed, and determination statement of the director or designee of services to student with disabilities, and any documentation provided by the student. All such protected by FERPA and its regulations. Although certain medical records are

gztg o rv"htq o "HGTRCøu" fghkpkvkqp"qh"õgfweckqp"tgeqt fu.ö"vjcv"gzg o rvkqp"fqgu"pqv"
apply to medical records maintained by a campus program for services to students
with disabilities. Accordingly, confidential records will be protected in
accordance with FERPA regulations with the purpose of providing appropriate
academic accommodations or support services. Information about the student may
dg"tgngcugf" ykvj"vjg"uvwfgpvøu"kpht o gf" ytkvvgp"eqpugpv"kp"ceeqtfance with
FERPA or other applicable legislation.

Reasonable accommodations are based on the current impact of the disability on

a. Aptitude/Cognitive Ability

Wechsler Adult Intelligence Scale Fourth Edition (WAIS IV)
Woodcock-Johnson Third Edition: Tests of Cognitive Ability (WJ-III)
Kaufman Adolescent and Adult Intelligence Test
Reynolds Intellectual Assessment Scale (RIAS)
Stanford-Binet (SB5)
Test of Non-Verbal Intelligence (TONI)

b. Academic Achievement

Woodcock-Johnson Third Edition: Tests of Achievement (WJ-III)
Wechsler Individual Achievement Test (WIAT-III)

Or specific achievement tests such as:

Nelson-Denny Reading Skills Test (Form G & H)
Stanford Diagnostic Mathematics Test
Test of Written Language (TOWL-3)
Gray Oral Reading Test (GORT-4)
Spadafora Diagnostic Reading Test (SDRT)

Specific achievement tests are useful instruments when administered under standardized conditions and when the results are interpreted in the context of other diagnostic information. For example, the Wide Range Achievement Test 3 or 4 (WRAT-3 or 4) is not a comprehensive measure of achievement and, therefore, should not be used as the sole measure of achievement.

c. Information Processing

Acceptable instruments include, but are not limited to:

3. Factors to be Measured by the Assessment

a. Aptitude:

A complete and comprehensive intellectual/cognitive assessment is required. Students with learning disabilities enrolled at the university level characteristically display average to superior intelligence and significant intra-cognitive discrepancies.

b. Academic Achievement:

A comprehensive academic achievement battery is essential, including current levels of academic functioning (under timed and untimed conditions) in relevant areas such as reading decoding and comprehension, mathematics, oral language, and written language.

c. Information Processing:

Specific areas of information processing (e.g., short-term memory, working memory, long-term memory, sequential memory, auditory and visual perception/processing, processing speed, executive functions, and psychomotor ability) should be assessed as the information processing deficit and it must have the logical nexus that explains the academic difficulty.

d. Clinical Observations:

Other assessment instruments, such as standardized measures and informal assessment procedures or observations, may be helpful determining performance across a variety of domains. In addition to standardized tests, clinical observations are essential to the assessment. It

ability, achievement, and information processing reflect the presence of a and weaknesses must be shown to relate to functional limitations that may necessitate accommodations and support services. Moreover, it is critical that the evaluator has ruled out alternative explanations for academic problems, such as those resulting from poor education, poor motivation and/or study skills, emotional problems, problems of attention, and cultural and language differences.

Students with learning disabilities typically fall in the Average to Very Superior range intellectual/cognitive ability with difficulty in one or more academic areas due to a presumed underlying cognitive deficit that interferes with their performance in an academic setting. Eligibility criteria for learning disability support services should be in line with the following specific guidelines.

- a. Significant intracognitive discrepancy(ies) of at least one standard deviation as measured by technically adequate, standardized instruments of aptitude (e.g., Verbal Comprehension vs. Perceptual Organization, Verbal Comprehension vs. Working Memory on the Wechsler Adult Intelligence Scale Fourth Edition (WAISIV).

Students with learning disabilities characteristically display significant Intra-cognitive scatter as compared to students without learning disabilities.

OR

- b. Significant aptitude-achievement discrepancy(ies) at least one standard deviation as measured by technically adequate, standardized instruments of aptitude (e.g., Wechsler Adult Intelligence Scale Fourth Edition, Woodcock-Johnson Third Edition Tests of Cognitive Abilities and Woodcock-Johnson Third Edition Tests of Achievement).

This component refers to the difference in levels and their assessed achievements levels Factor Scores on the Wechsler Adult Intelligence Scale Fourth Edition vs. Reading decoding, Reading comprehension, Math calculation, Math applications scores on the Woodcock-Johnson Third Edition).

Students with learning disabilities characteristically illustrate a significant aptitude-achievement discrepancy(ies).

AND

- c. At least one standard score in the Average Range, or above of aptitude (i.e., Standard Score =90 or above / 25th percentile or above) as measured

by technically adequate, standardized instruments of aptitude.

AND

- d. An average or greater score (i.e., Standard Score =90 or above / percentile or above) in at least one academic area measured by technically adequate, standardized instruments of achievement.

OR

- e. Professional Certification.

To address the possibility that a student with a learning disability may not be identified by standard diagnostic procedures, clinical judgment may be exercised in up to 10% of all students tested during an academic year. Recognizing that currently available assessment instruments may be biased when utilized with individuals who have cultural/language differences, the percentage of students who may be determined eligible on the basis of clinical judgment may be increased when the population of students assessed includes large numbers of such students.

4. Diagnosis and Summary

All of the aforementioned information should lead to a written diagnostic summary regarding the presence or absence of a learning disability(ies).

This summary should include specific recommendations for accommodations and support services, as well as an explanation as to why such accommodations and support services are recommended. The evaluator should support recommendations with specific test results and/or clinical observations.

5. Prior Determination

Flexibility in accepting documentation is important, especially in settings with significant numbers of nontraditional students. In some instances, documentation may be outdated or inadequate in scope or content. In other instances, it may not address the need for accommodations and support services because observed changes may have been conducted. It may be appropriate for a qualified professional to update the

will be provided.