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San Bernardino Community College District  
Administrative Procedure  
Chapter 5 – Student Services

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## AP 5140 DISABLED STUDENT PROGRAMS AND SERVICES

(Replaces current SBCCD AP 5140)

**NOTE:** The language in red ink is **legally required**. Local practice may be inserted, but must include the following legal minimums. Insert local procedures here and/or reference the DSPS Plan.

The District maintains a plan for the provision of programs and services to disabled students designed to assure that they have equality of access to District classes and programs.

**NOTE:** At a minimum, the procedures, plan, or description of the program and services **must address:**

The role of Disabled Student Programs and Services (DSPS) is to support the colleges in meeting federal and state obligations to students with disabilities. DSPS is the principal provider of support programs and services that allow equal educational opportunities for students with disabilities who can benefit from instruction. No student with disabilities is required to apply to DSPS. If a student requests accommodations, but does not want to register with DSPS, then the student will need to submit verification of the disability and educational limitations to the College 504/ADA Coordinator.”

- procedure for timely response to accommodation requests involving academic adjustments which, at a minimum, provides for an individualized review of each such request, and permits interim decisions on such requests pending final resolution by the appropriate administrator or designee;

As required by Section 504 of the Rehabilitation Act of 1973, Title 5, section 567027, and District Board Policy 5140, the San Bernardino Community College District has developed procedures in order to respond in a timely manner to requests by students with disabilities for academic adjustments. Pursuant to Title 5, Sections 5600-56076 the district has established DSPS at each college in order to assist students with disabilities in accessing instruction, programs, academic adjustments, and auxiliary aids.

44 The application process shall include: 1) the student completing an Application for Services, 2)  
45 the student providing documentation from a certified professional that verifies both the  
46 disabling condition and that the disabling condition creates educational limitation(s) in an  
47 academic setting, 3) Certificated DSPS staff review of documentation provided, 4) additional  
48 assessment to verify disabling condition, if needed, 5) and certificated DSPS staff interview with  
49 the student to determine if the level of the student's reported disability meets the  
50 requirements of Title V, Section 504 (11135).

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- 53 • *long-range goals and short term objectives for the program;*

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55 Crafton Hills College's DSPS long-range goals and short term objectives are delineated within  
56 the Crafton Hill's DSPS Non-Instructional Annual Plan.

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58 San Bernardino Valley College's DSPS long-range goals and short term objectives are delineated  
59 within the SBVC DSPS Non-Instructional Annual Plan.

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- 61 • *definitions of disabilities and students eligible for the program;*

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#### 63 § 56002. Student with a Disability

64 A "student with a disability" is a person enrolled at a community college who has a verified  
65 disability which limits one or more major life activities, as defined in 28 C.F.R. 35.104 resulting  
66 in an educational limitation as defined in section 56001. For purposes of reporting to the  
67 Chancellor under Section 56030, students with disabilities shall be reported in the categories  
68 described in Sections 56032-44. NOTE: Authority cited: Sections 67312, 70901 and 84850,  
69 Education Code. Reference: Sections 67310-67312 and 84850, Education Code; and 28 U.S.C.  
70 Sec. 35.104.

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#### 72 § 56032. Physical Disability.

73 Physical disability is defined as a limitation in locomotion or motor functions. These  
74 limitations are the result of specific impacts to the body's muscular-skeletal or  
75 nervous systems, and limit the student's ability to access the educational process.

76 NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code.  
77 Reference: Sections 67310-67312 and 84850, Education Code.

#### 78 § 56034. Deaf and Hard of Hearing (DHH).

79 Deaf and Hard of Hearing (DHH) is defined as a total or partial loss of hearing  
80 function that limits the student's ability to access the educational process.

81 NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code.  
82 Reference: Sections 67310-67312 and 84850, Education Code.

#### 83 § 56035. Blind and Low Vision.

84 Blindness and low vision is defined as a level of vision that limits the student's ability  
85 to access the educational process.

86 NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code.  
87 Reference: Sections 67310-67312 and 84850, Education Code.

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§ 56036. Learning Disability.

Learning disability (LD) is defined as a persistent condition of presumed neurological dysfunction which may exist with other disabling conditions. The dysfunction is not explained by lack of educational opportunity, lack of proficiency in the language of instruction, or other non-neurological factors, and this dysfunction limits the student's ability to access the educational process. To be categorized as a student with a learning disability a student must meet the following criteria through psycho-educational assessment verified by a qualified specialist certified to assess learning disabilities:

- (a) Average to above-average intellectual ability; and
- (b) Statistically significant processing deficit(s); and/or
- (c) Statistically significant aptitude-achievement discrepancies.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code.  
Reference: Sections 67310-67312 and 84850, Education Code.

§ 56037. Acquired Brain Injury (ABI).

Acquired Brain Injury (ABI) is defined as a deficit in brain functioning which results in a total or partial loss of cognitive, communicative, motor, psycho-social and/or sensory-perceptual abilities, and limits the student's ability to access the educational process.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code.  
Reference: Sections 67310-67312 and 84850, Education Code.

§ 56038. Attention-Deficit Hyperactivity Disorder (ADHD).

Attention-Deficit Hyperactivity Disorder (ADHD) is defined as a neurodevelopmental disorder that is a persistent deficit in attention and/or hyperactive and impulsive behavior that limits the student's ability to access the educational process.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code.  
Reference: Sections 67310-67312 and 84850, Education Code.

§ 56039. Intellectual Disability (ID).

Intellectual disability (ID) is defined as significant limitations both in intellectual functioning and in adaptive behavior that affect and limit the student's ability to access the educational process. An individual may have an intellectual disability when:

- (a) the person's functioning level is below average intellectual ability; and
- (b) the person has significant limitations in adaptive skill areas as expressed in conceptual, social, academic and practical skills in independent living and employment; and,
- (c) the disability originated before the age of 18.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code.  
Reference: Sections 67310-67312 and 84850, Education Code.

§ 56040. Autism Spectrum.

Autism Spectrum disorders are defined as neurodevelopmental disorders described as persistent deficits which limit the student's ability to access the educational process. Symptoms must have been present in the early developmental period, and

131 cause limitation in social, academic, occupational, or other important areas of  
132 current functioning.

133 NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code.

134 Reference: Sections 67310-67312 and 84850, Education Code.

135 § 56042. Mental Health Disability.

136 Mental Health disability is defined as a persistent psychological or psychiatric  
137 disability, or emotional or mental illness that limits the student's ability to access the  
138 educational process. For purposes of this subchapter, conditions that are not  
139 described and/or excluded in the American Psychiatric Association Diagnostic and  
140 Statistical Manual (DSM) or the Americans with Disabilities Act (ADA) are not  
141 covered in this category.

142 NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code.

143 Reference: Sections 67310-67312 and 84850, Education Code; 42 U.S.C. Sec. 12101;

144 American Psychiatric Association (2013). Diagnostic and Statistical Manual of Mental  
145 Disorders (Fifth ed.). Arlington, VA: American Psychiatric Publishing.

146 § 56044. Other Health Conditions and Disabilities.

147 This category includes all students with disabilities, as defined in Section 56002, with  
148 other health conditions, and/or disabilities that affect a major life activity, which are  
149 otherwise not defined in Sections 56032-56042, but which limit the student's ability  
150 to access the educational process.

151 NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code.

152 Reference: Sections 67310-67312 and 84850, Education Code.

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154 • *support services and instruction that is provided;*

155 • *technology accessibility;*

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157 § 56026. Academic Adjustments, Auxiliary Aids and Services. Academic Adjustments, Auxiliary  
158 Aids and services are those specialized aids, devices and/or services available to students with  
159 disabilities as defined in Section 56002, which are in addition to the general services provided  
160 to all students. Such services enable students to participate in general activities, programs and  
161 classes offered by the college.

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163 • *verification of disability;*

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165 § 56006. Determination of Eligibility.

166 (a) In order to be eligible for academic adjustments, auxiliary aids, services and/or  
167 instruction authorized under this chapter, a student must have a disability which is  
168 verified pursuant to subdivision (b) which results in an educational limitation identified  
169 pursuant to subdivision (c) of this section.

170 (b) The existence of a disability may be verified, using procedures prescribed by the  
171 Chancellor, by one of the following means: (1) observation by certificated DSPS staff; (2)  
172 assessment by certificated DSPS staff; or (3) review of documentation by certificated  
173 staff provided by appropriate agencies or certified or licensed professionals outside of  
174 DSPS.

175 (c) The student's educational limitations must be identified by certificated staff and  
176 described in the Academic Accommodation Plan (AAP) required pursuant to  
177 Section 56022. Eligibility for each service provided must be directly related to an  
178 educational limitation consistent with Section 56000(b) and Section 56001.

179 NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference:  
180 Sections 67310-67312 and 84850, Education Code.

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- 182 • *student rights and responsibilities;*
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#### 184 § 56008. Student Rights.

185 (a) Participation by students with disabilities in Disabled Student Programs and Services  
186 shall be entirely voluntary.

187 (b) Receiving academic adjustments, auxiliary aids, services and/or instruction  
188 authorized under this subchapter shall not preclude a student from also participating in  
189 any other course, program or activity offered by the college.

190 (c) All records maintained by DSPS personnel pertaining to students with disabilities  
191 shall be protected from disclosure and shall be subject to all other requirements for  
192 handling of student records as provided in Subchapter 6 (commencing with Section  
193 54600) of Chapter 5 of this Division.

194 NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference:  
195 Sections 67310-67313 and 84850, Education Code.

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#### 197 § 56010. Student Responsibilities.

198 (a) Students receiving academic adjustments, auxiliary aids, services and/or instruction  
199 under this subchapter shall:

200 (1) comply with the student code of conduct adopted by the college and all other  
201 applicable statutes and regulations related to student conduct;

202 (2) be responsible in their use of DSPS services and adhere to written service  
203 provision policies adopted by DSPS; and

204 (3) when enrolled in educational assistance classes, make measurable progress  
205 toward the goals developed for the course as established in the student's Academic  
206 Accommodation Plan (AAP) or,

207 (4) when the student is enrolled in general college classes, meet academic standards  
208 established by the college, as applied to all students, pursuant to Subchapter 6  
209 (commencing with Section 55500) of Chapter 6 of this Division.

210 (b) A district may adopt a written policy providing for the suspension or termination of  
211 DSPS services where a student fails to comply with subdivisions (a)(2), (a)(3) or (a)(4) of  
212 this section. Such policies shall provide for written notice to the student prior to the  
213 suspension or termination and shall afford the student an opportunity to appeal the  
214 decision. Each student shall be given a copy of this policy upon first applying for services  
215 from DSPS.

216 NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference:  
217 Sections 67310-67312 and 84850, Education Code.

- *student educational contract or plan that is developed by a designated person in consultation with the student;*

§ 56022. Academic Accommodation Plan (AAP).

Each college shall generate an Academic Accommodation Plan (AAP) and maintain a record of the interactive process between each DSPS student and a DSPS certificated staff member regarding the academic adjustments, auxiliary aids, services and/or instruction necessary to provide the student equal access to the educational process, given the educational limitations resulting from the student's disabilities. In addition, when a student is enrolled in educational assistance classes the AAP shall define measurable progress toward the goals of each class.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310-67312 and 84850, Education Code.

- *academic accommodations;*

§ 56027. Academic Adjustments.

Each community college district receiving funding pursuant to this subchapter shall establish a policy and procedure for responding to, in a timely manner consistent with Section 53203 of this division, requests involving academic adjustments. This procedure shall provide for an individualized review of each request. The procedure shall also permit the Section 504/ADA Coordinator/Compliance Officer, or other designated district official with knowledge of accommodation requirements, to make an interim decision pending a final resolution.

NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310-67312 and 84850, Education Code.

- *provisions for course substitution and waivers;*

The process for course substitutions and waivers shall be established by each one of the colleges and be posted on the colleges website.

- *staffing; and*

§ 56048. Staffing.

(a) Each district receiving funds pursuant to this subchapter shall ensure sufficient DSPS certificated and support staff to provide timely and effective services to eligible students with disabilities.

(b) Each district receiving funds pursuant to this subchapter shall designate a DSPS coordinator or director for each college in the district. For the purpose of this section, the coordinator or director is defined as that individual for each college in the district who has responsibility for the day-to-day operation of DSPS, which is necessary to implement Subchapter 1 of Chapter 7 of this Division. For the coordinator or director, those responsibilities shall include, but are not limited to, integration of DSPS into the

263 college's instruction and services, the provision of academic adjustments, auxiliary aids,  
264 and services, maintaining knowledge of the legal responsibilities regarding students with  
265 disabilities participation in the educational process, and budget planning. The  
266 designated coordinator or director must meet the minimum qualifications for a DSPS  
267 counselor or instructor set forth in Section 53414(a) through (d) or meet the minimum  
268 qualifications for an educational administrator set forth in Section 53420 and, in  
269 addition, have two (2) years full-time experience or the equivalent within the last four  
270 (4) years in one or more of the following fields:

271 (1) instruction or counseling or both in a higher education program for students  
272 with disabilities;

273 (2) administration of a program for students with disabilities in an institution of  
274 higher education;

275 (3) teaching, counseling or administration in secondary education, working  
276 predominantly or exclusively in programs for students with disabilities; or

277 (4) administrative or supervisory experience in industry, government, public  
278 agencies, the military, or private social welfare organizations, in which the  
279 responsibilities of the position were predominantly or exclusively related to  
280 persons with disabilities.

281 (c) Persons employed pursuant to this Subchapter as counselors or instructors of  
282 students with disabilities shall meet minimum qualifications set forth in Section  
283 53414 of Subchapter 4 of Chapter 4 of this Division.

284 (d) Districts receiving funding pursuant to this subchapter may also employ classified  
285 and/or paraprofessional support staff. Support staff shall function under the  
286 coordination of a DSPS coordinator or director, counselor, LD Specialist, or instructor  
287 as appropriate for the academic adjustments, auxiliary aids, services and/or  
288 instruction being provided.

289 NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference:  
290 Sections 67310-67312 and 84850, Education Code.

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- 292 • *advisory committee.*
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294 § 56050. Advisory Committee.

295 Each district receiving funds pursuant to this subchapter shall establish, for either the District or  
296 at each college in the district, an advisory committee which shall meet not less than once per  
297 year. The advisory committee shall, at a minimum, include a student with disabilities.

298 NOTE: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections  
299 67310-67312 and 84850, Education Code.

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301 ❖ **From current SBCCD AP 5140 titled Disabled Student Services and**  
302 **Programs**

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304 **NOTE: The current SBCCD AP 5140 is dated August 8, 1991. Please confirm the**  
305 **details contained therein are still accurate.**

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307 **A. Student Eligibility for Services**

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1. ~~In order to qualify for the special services available to disabled students, a student must first enroll in a college of the District. After the enrollment process is complete, a disabled student may apply for special services by contacting the DSP&S Office at either campus. The application shall include an interview and diagnostic study to determine if the level of the applicant's disability meets the requirements of Title V, Section 504 (11135). All students under Title V who are eligible for services will be assessed and provided services if they meet the criteria of Title V.~~
2. ~~After the student has been informed of all assessment, evaluation, and planning procedures to be followed, the appropriate DSP&S staff member, in consultation with the student, shall develop an Individualized Educational Plan (IEP). The IEP shall be based on the services needed for the student and the determination of the time allotted for the achievement of the IEP goals.~~
3. ~~If a student does not qualify for DSP&S services, the Coordinator of DSP&S, in consultation with the student, shall explain the reason(s) for non-qualification to the student and identify and develop a pro-gram that may benefit the student in off-campus programs, or other special educational resources.~~

**B. Academic/Progress Probation**

A DSP&S student who is placed on academic/progress probation, as defined in Board Policy and the college catalog, shall continue to receive DSP&S services throughout the probationary period.

**C. Suspension or Termination of Services**

1. In order to continue to receive special services, a disabled student must maintain regular enrollment in the college subject to the conditions of District policies on academic standards, student conduct, and the meeting of all fee obligations that apply to all students. ~~In addition disabled students must demonstrate satisfactory progress in the achievement of the IEP goals.~~
2. A disabled student who is in danger of suspension or termination of services shall be given a written warning identifying the standards that have been violated. The warning shall include all actions that may be taken leading to suspension or termination of services if the problems persist.
3. A disabled student who is subject to suspension or termination of services, or suspension or termination of enrollment, shall be provided with the following documents:



- 352 a. A copy of the policies on student conduct, academic standards, and/or  
353 other policies pertaining to the cause for suspension or termination.  
354 b. A copy of the services provided to the student and the specific written  
355 intent of each DSP&S service as utilized by the student.  
356 c. A copy of the documentation that details all notices and decisions sent to  
357 the student.  
358 d. A copy of the appeal process with firm guidelines and due dates.  
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361 **D. Dismissal/Grievance/Appeal/Readmission**  
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- 363 1. Dismissal/Grievance/Appeal/Readmission relating to student conduct shall occur  
364 in accordance with the provisions of Board Policy.  
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366 2. Dismissal/Grievance/Appeal/Readmission relating to academic performance  
367 shall occur in accordance with the provisions of Board Policy.  
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369 **References:** [Title 5 Sections 56000 et seq. and 56027](#)  
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372 **NOTE:** The **red ink** signifies language that is **legally required** and recommended by the Policy and  
373 Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The language in **black ink** is from  
374 the current SBCCD AP 5140 titled Disabled Student Services and Programs approved on 8/8/91. This  
375 procedure reflects updates/revisions from the Policy and Procedure Service in March 2012 and October  
376 2013.  
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**Approved: 8/8/91**

**Revised:**

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