



## **STUDENTS**

If the Office of Accessibility Services (OAS) denies a student's requested accommodation(s), OAS will notify the student in writing, via Clark State email, within 7 business days of the College Accommodation Plan meeting, of the reasons for the denial along with instructions outlining how the student may appeal the denial.

Students have the option of appealing to the OAS Director, Elecia Spain, 136 Rhodes Hall, 937.328.3847, [spaine@clarkstate.edu](mailto:spaine@clarkstate.edu), or students have the option of appealing via the "[Office of Accessibility Appeal Form](#)" located on Clark State's website. For additional information about timeline and other details, please review our [appeals process overview](#).

## **FACULTY**

If a faculty member feels that an approved accommodation would fundamentally alter their course, OAS should be contacted prior to discussing the concern with the student. If a student requests a disability accommodation that is not listed on their Accommodation Letter, faculty should refer the student to OAS. Only OAS can deny a requested accommodation.

## **PROCESS**

OAS may refuse a requested adjustment/accommodation that imposes a fundamental alteration of a College program or activity, but OAS may do so only after OAS staff has engaged in a deliberative process for determining if academic requirements are "essential" or whether a requested modification would fundamentally alter a course, academic program, or College-sponsored performance-based experience. A "fundamental alteration" is a change that is so significant that it alters the essential nature of the goods, services, facilities, privileges, advantages, or accommodations offered.

The goals of this process are as follows: to view the request from multiple perspectives and discuss various accommodation options; to determine and document if and/or how the requested accommodation creates a fundamental alteration to the course or program; to identify alternative accommodations that do not create a fundamental alteration; to document deliberation.

Answering the questions below and documenting the process will ensure that Clark State has carefully evaluated the accommodation request. Clark State's staff and faculty understand that failure to provide reasonable accommodations to a student with a disability is a violation of the law. Additionally, it is understood that disability laws require students with disabilities to meet the essential, academic and technical standards of the class / program / college.

A panel of academic and disability professionals, with the support of the Director, Access and Retention Services, will collaborate and determine if modifications can be made to the identified essential requirements of a course/ program. The panel will convene within 5 business days of a student's request for an accommodation that requires more in depth consideration in terms of an essential requirement. If the student needs accommodations in the interim, OAS and faculty will work together with the student to establish a plan. Commonly requested accommodations/ adjustments (e.g. extended test time, reduced distraction environment, note taker, etc.) will not require this level of review.

### **The panel will consist of membership of the following people (panel members may vary based upon availability):**

- The Program Coordinator or Lead Instructor of the course, the course instructor, a faculty member from another discipline and/or the Dean of the School in which the course is being taught. These professionals bring knowledge of the subject's content, methods and essential requirements;
- 1-2 Disability Services staff, who understand what accommodations are possible;
- The student who has requested an adjustment/accommodation and who understands his/her own limitations and how his/her disability impacts his/her ability to learn in a classroom will be represented through information presented by OAS at the initial Panel meeting. Disability confidentiality will be maintained. Discussions will focus on the student's accommodation request.



**When determining if a requested adjustment/accommodation fundamentally alters the essential requirements for a course or program, the panel will endeavor to:**

- Articulate the essential academic standards of the course (requirements that go to the very nature of the subject matter or that are of the utmost importance in achieving the course/program objective). At the course level, these are typically identified as “Learning Outcomes” on the syllabus.
- Discuss the specific requirements that individual instructors believe are fundamental to teaching the course/program, taking academic freedom into consideration.
  - What is the purpose of the criterion, policy or practice that allegedly cannot be modified in the manner proposed by OAS or the student?
  - Can the identified purpose be achieved if the accommodation was implemented? Why or why not?
- Identify the unique qualities of the course/program in relation to its overall objectives and any program in which the course is required.
  - Is this a program/course for the purpose of obtaining a license; if so, how does the state licensing body view the proposed accommodation?
- Engage in reasoned deliberation as to whether modification of the course/program would change the fundamental academic standards.
- Determine whether there are alternative options to fulfill the fundamental requirements of the course/program.
  - Review what other institutions are doing with regard to making accommodations to the criterion, policy, or practice under consideration.
- Determine if the requested accommodation will lower the academic standards of the course/program.
  - If the panel determines that the requested accommodation will lower academic standards, the panel will document why/how the standard that the instructor believes will be lowered is important to the course/program.
- Determine if the standard is the better way (or the only way) to achieve the desired academic objective.
- Has the requested accommodation has ever been granted before for another student with or without a disability?
- Engage in a diligent search for other effective substitute/ alternative accommodations that could be implemented that achieve the purpose of the criterion, policy or practice that would not entail a fundamental alteration? Consider: other colleges and universities; experts; licensing bodies; current practices in the profession; accommodations already provided in the field; technological advancements
  - If the panel determines that a different method or requirement (that meets the accommodation need) will not achieve the required academic or pedagogical result, they will determine and document why not.
- This process ensures that such determinations are made by a group of people, including OAS and pertinent faculty or other relevant personnel, after a careful, thoughtful deliberation that includes a review of program/course requirements and available options and alternatives. The decisions made during the deliberations and the reasons supporting them will be fully documented by OAS.

If, after OAS has approved a student’s accommodation request(s), the student believes the agreed-upon accommodation is not effective, or the student requires any additional accommodation(s), the student must notify OAS staff, who will work with the student to resolve the issue. An OAS staff will review requests for changes in accommodations within 3 business days of notification by the student.

OAS will document in the student’s case file any interactive process between the College and the student. The documentation will include the dates of any academic adjustment/accommodation requests, the nature of each request, any supporting documentation, and any reason(s) for the denial of a request along with the considered alternatives.