

LOS ANGELES UNIFIED SCHOOL DISTRICT
DIVISION OF ADULT AND CAREER EDUCATION

GUIDELINE NO. 011.00
December 22, 2020

SUBJECT: ADULT STUDENTS WITH DISABILITIES ATTENDING LOS ANGELES
UNIFIED SCHOOL DISTRICT (LAUSD) DIVISION OF ADULT AND
CAREER EDUCATION (DACE) CAMPUSES

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I. INTRODUCTION

This guideline supersedes Guideline No. 83 issued on September 16, 2014. The content and title have been updated to reflect changes to Division policies and procedures.

II. BACKGROUND

Section 504 of the Rehabilitation Act of 1973 (Section 504) is a civil rights law that prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance. No qualified disabled person shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives Federal financial assistance. Public school districts are among the entities that must comply with the nondiscrimination requirements of Section 504.

The Americans with Disabilities Act (ADA) of 1990, as amended in 2008, is a civil rights law that also prohibits discrimination on the basis of disability by public institutions. The ADA, as amended in 2008, has a broader definition of disability, which also applies to Section 504. The ADA does not allow the consideration of effects of mitigating measures when determining whether a student has a disability, though they remain relevant when evaluating students' needs for accommodations. Therefore, students may be eligible for Section 504 nondiscrimination protections regardless of whether they currently need reasonable accommodations.

It is the intent of the District to provide services in a manner that ensures adults with disabilities have an equal opportunity to participate, are not excluded, denied services, or segregated from nondisabled program participants, consistent with their academic, English as a Second Language (ESL), and Career Technical Education needs. Adults with disabilities shall receive their educational/career technical education training in classes at DACE campuses with reasonable accommodations. (See section VII for additional information.)

III. PURPOSE

This guideline provides procedures for referral, evaluation, and implementation of reasonable accommodations for LAUSD DACE adult students with disabilities, who choose to disclose their disability for these purposes. Students who are eligible will be provided disability support services under California Education Code (EC) Section 52315, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990.

IV. DEFINITIONS

A. *Individual with a disability:*

- Any person who (A) has a physical or mental impairment which substantially limits one or more major life activities of such individual; (B) has a record of such an impairment; or (C) is regarded as having such an impairment.

B. *Has a record of such an impairment:*

- A history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities. A student with a record of impairment is entitled to protections from discrimination on the basis of disability, but may not require the provision of reasonable accommodations to policies and procedures simply because of a record of disability.

C. *Regarded as having an impairment:*

- Individual who has been subjected to discrimination/harassment because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity;
- Entitled to protections from discrimination, harassment and retaliation on the basis of disability, but may not require the provision of reasonable accommodations/modifications to policies and procedures simply because of a record of disability.
- Note: These terms are generally not applicable to impairments that are transitory (an impairment with an actual or expected duration of six months or less) and minor.

D. *Major life activities:*

- Functions such as bending, breathing, caring for one's self, communicating, concentrating, eating, hearing, learning, lifting, performing manual tasks, reading, seeing, sleeping, standing, speaking, thinking, walking, and working. Major life activities may also include, but are not limited to: functions of the immune

system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

E. *Substantial Limitation:*

- A major life activity is substantially limited when a person is unable to perform a major life activity that the average student of the same grade or age, or as compared to most students of the same grade or age, can perform. The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as:
 1. Medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;
 2. Use of assistive technology;
 3. Reasonable accommodations, auxiliary aids or services; or
 4. Learned behavioral or adaptive neurological modifications.

F. *Qualified disabled person* (with respect to postsecondary and vocational education services):

- A disabled person who meets the academic and technical standards requisite to admission or participation in the recipient's education program or activity.

G. *Reasonable Accommodation:*

- A change in the educational setting, instructional strategies, materials, and/or supplementary/related aids and services that does not significantly alter the content of the curriculum or level of expectation for a student's performance, but which allows the student to access the regular curriculum. The purpose of an accommodation is to ensure the student with a disability an equal opportunity to acquire any information or skill that is being offered to all students, without imposing an undue hardship on the operation of the program. In addition, the ADA does not require that a public entity take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens.

H. *Undue Burden:*

- An action which would fundamentally alter the nature of a program or would result in undue financial or administrative burden.

V. STUDENT REFERRAL

- A. Disability Support Services (DSS) Advisors will ensure that when screening prospective students, assessments do not place the person with a disability at a disadvantage because of a sensory, physical, communicative, psychological, or learning disability. Arrangements of testing accommodations suitable to the disability will be provided upon request to ensure equal access for success.
- B. Students with disabilities are not required to disclose their disability or to request an accommodation.

- C. Actual enrollment is dependent upon course availability at any DACE campus. If courses are full, established school procedures for placing students on waiting lists are to be followed.
- D. In conjunction with registration procedures and in order to receive accommodations, written verification of the prospective student's disability is required and can be obtained from any of the following sources:
 - 1. The DSS Advisor may make visible observation to establish that the disability necessitates the specific accommodation requested
 - 2. California State Department of Rehabilitation (DOR)
 - 3. California State Regional Centers
 - 4. Medical records/physician statement or letter
 - 5. Individualized Education Plan (IEP)
 - 6. Other public or private agencies qualified to provide expert documentation
- E. Referrals from the public/private rehabilitation agencies are to be made by the agency counselor and directed to the DSS office at the DACE campus. Prospective students must be counseled by the agency counselor prior to enrollment and present the DSS staff with verification of disability and a vocational training plan.
- F. The Program Advisors at the DACE campus will review the educational objective of each prospective student and the course requirements/prerequisites to assist with establishing a meaningful and attainable career pathway. If there is any doubt regarding the specific pathway selection, the public/private agency counselor will be consulted.
- G. The DSS staff will review supporting disability verification and requested accommodation submitted by student using ***Student Accommodation Request Form*** (Attachment A). After review of disability verification, DSS staff will assist in implementing requested reasonable accommodation.
- H. Staff and Student Resources - Staff may share DSS information with students by providing the contact information from the DSS flyer (Attachment C) or an email introduction to all students. As stated in this Guideline, students are not required to disclose their disability or to request an accommodation. However, if a student chooses to disclose and/or request DSS assistance, staff may refer students to the DSS information located in the Resources tab in Schoology.

VI. ENROLLMENT

- A. Students with verifiable disabilities may choose to enroll through the DSS office by providing verification of their disability to the DSS Advisor. Students may use the ***Consent to Release and/or Request Information form*** (Attachment B) or any other sources listed previously in section five of this document (*STUDENT REFERRAL*) to obtain verification of disability.
- B. Upon enrollment, students with disabilities who request services through the DSS office will be provided reasonable accommodations as mandated by state and federal laws. These accommodations must be requested by the student, in writing, and submitted to the DSS Advisor using the ***Student Accommodations Request form*** (Attachment A).

- C. If courses are full, established school procedures for placing students on waiting lists are to be followed.

VII. REASONABLE ACCOMMODATIONS

- A. Section 504 authorizes students with disabilities to request a reasonable accommodation to ensure equity and access to all academic, ESL, Career Technical Education Programs and campus activities. An accommodation is considered reasonable when it does not impose an undue burden on the operation of the educational program or activity and will be considered on a case-by-case basis.
- B. Federal and state regulations allow accommodations such as extended time limits, large print, braille materials, and adaptive equipment.
- C. Students who require services beyond reasonable accommodations will be provided such services at the expense of the individual student or their supporting public/private agency.

VIII. STANDARDS AND EVALUATIONS

- A. Schools are not required to lower educational standards as an accommodation for a student with a disability. Alternative methods, as requested, such as extended time, large print, or interpreting services in academic, ESL, and Career Technical Education may be provided to ensure equal access to all programs and activities.
- B. Students with disabilities must be able to perform all essential elements of any required course work. Those who are provided reasonable accommodations and are unable to perform those elements essential to the course are subject to the same standards as non-disabled students.
- C. As with any student in the DACE educational setting, if students do not progress satisfactorily or show aptitude in their courses, instructors may refer students to the program advisor, DSS Advisor, and/or Assistant Principal of Adult Counseling Services (APACS) to review their ISP, provide support and make recommendations for improvements as stated in policies and procedures at each campus.
- D. If a student's inappropriate or disruptive conduct is substantially related to their disability, reasonable accommodations will be reviewed and updated as needed. If the conduct prevents the student from meeting the essential elements of the course or program, the instructor will refer student to the DSS Advisor.

IX. CONSENT TO RELEASE AND/OR REQUEST INFORMATION

- A. The ***Consent to Release and/or Request Information form*** (Attachment B) should be used to request and release disability information to or from medical, rehabilitation, and/or educational professionals.
- B. The disability verification information will be used to determine eligibility for services and accommodations. DSS staff may release, exchange and/or discuss information pertaining to the student's disability, personal history, education, and their progress with any person involved with their education. All information will be confidentially maintained as part of the student's school records.

X. FEES

- A. Public/private rehabilitation agencies will provide funds commensurate with the educational needs necessary for the training of their participants including but not limited to tuition, material fees, liability insurance fees, textbooks, tools, and supplies (Refer to Guideline 114.01).
- B. Students with disabilities who enroll into classes at DACE campuses, but are not served by public/private rehabilitation, are not exempt from paying tuition, material fees, liability insurance fees, textbooks, tools, and supplies.

XI. TERMINATION GUIDELINES

- A. As with all students, if a student with a disability has been provided the appropriate accommodations and is not making satisfactory progress in their course, instructors may refer the student to the program advisor, DSS Advisor, and/or APACs to review their ISP, provide support, and make recommendations for improvements as stated in the policies and procedures at each campus. Once support services have been provided and the student has not shown improvement, they may be precluded from continuing classes for not meeting course competencies.
- B. All students are expected to adhere to the school district policies and regulations regarding appropriate conduct. Students not meeting these standards are subject to suspension and/or termination.

XII. ALTERATIONS AND IMPROVEMENTS

- A. The Facilities Services Division shall ensure that all new and reconstructed facilities meet applicable laws and regulations so that students with disabilities are not excluded from an educational program, employment opportunity, or use of school facility, including areas such as the student lounge.
- B. Priority consideration of alterations and improvements will be given based on safety, security, health, instructional/educational benefit, or support service needs.

For assistance, please contact Dora Pimentel-Baxter, Administrator at (213) 241-3150 or by email at dpimente@lausd.net.

APPROVED: Joseph Stark, Executive Director 

DISTRIBUTION: All Schools and Offices, Division of Adult and Career Education

DISABILITY SUPPORT SERVICES
(School Name) Service Area

STUDENT ACCOMMODATION REQUEST FORM

TO BE COMPLETED BY STUDENT

NAME: _____ DISABILITY: _____

COURSE/CLASS INFORMATION (Check one)

I plan to register for a class that will begin on: _____
(Date/Term)

Class: _____ Days/Times: _____

Class: _____ Days/Times: _____

I am a current student and I began class on: _____
(Date/Term)

Class: _____ Days/Times: _____

Class: _____ Days/Times: _____

ACCOMMODATION(S) REQUESTED must be verified by documentation (Check ALL that apply)

Sign Language Interpreter Adaptive equipment* Testing accommodations*

Classroom accommodations Assistive Technology* Extended time on tests

Audio materials Material in Braille Large print material

Other*: _____

(* If you checked a box with this symbol, please write the details of the accommodation requested below:

→ Student Signature: _____ Date: _____

DSS OFFICE USE ONLY

RECEIVED BY: _____ Date: _____

Accommodation provided at school site on _____
(Date)

Accommodation not available at school site – student placed on waitlist or referred to other DACE school

Notes/Action:

DISABILITY SUPPORT SERVICES

(School Name) Service Area

CONSENT TO RELEASE AND/OR REQUEST INFORMATION

TO BE COMPLETED BY STUDENT:

NAME: _____ BIRTHDATE: _____

ADDRESS: _____ CITY: _____ ST: _____ ZIP: _____

PHONE: _____ EMAIL: _____

PROGRAM OF INTEREST: _____ SSN: _____ - _____ - _____

I consent to and authorize the release and exchange of information pertaining to my education/training to be shared between the Disability Support Services (DSS) staff at (School Name) Service Area AND the person OR agency named below. I understand disability verification information will be used to determine my eligibility for services and accommodations. I further give permission for the DSS staff to release, exchange and/or discuss information pertaining to my disability, personal history, education, and progress with the person OR agency named below. I understand that all information will be confidentially maintained as part of my records with (School Name) Service Area Disability Support Services office.

NAME OF PERSON (PLEASE PRINT CLEARLY): _____

NAME OF ORGANIZATION/AGENCY: _____

ADDRESS: _____ CITY: _____ ST: _____ ZIP: _____

PHONE: _____ FAX: _____ EMAIL: _____

STUDENT'S SIGNATURE: _____ **DATE:** _____

DISABILITY VERIFICATION (Please provide if box is checked)

TO BE COMPLETED BY AGENCY COUNSELOR OR LICENSED PROFESSIONAL:

READINESS FOR VOCATIONAL TRAINING: _____

DIAGNOSIS (Please list all physical and non-physical disabilities): _____

EDUCATIONAL LIMITATIONS/ACCOMMODATIONS RELATED TO DIAGNOSIS: _____

PRESCRIBED MEDICATIONS: _____

I understand that the information provided will become part of the student record subject to the Federal Family Education Rights and Privacy Act of 1974 and may be released to the student upon request.

Signature of Agency Counselor or Licensed/Certified Professional: _____

Name/Title (print): _____ License #: _____ Date: _____

PLEASE SUBMIT INFORMATION AND COMPLETED FORM TO:

Disability Support Services
(School Name and Address)
(School Telephone Number and Fax Number)