

# MANUAL OF PROCEDURE

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**PROCEDURE NUMBER:** 4055

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**PROCEDURE TITLE:** Services Provided for Students with Disabilities

**STATUTORY REFERENCE:** Section 504, Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104; Americans With Disabilities Act of 1990; Americans with Disabilities Act Amendments Act (ADAAA) of 2008; Title II of the Americans with Disabilities Act of 1990 (Title II), as amended, 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35 Higher Education Opportunity Act of 2008; Public law 94-142 Education of All Handicapped Children Act (also known as IDEA); Title 26 U.S.C.s. 152 of the Internal Revenue Code; Sections 1007.02, 1007.264 and 1007.265; Florida Statutes; Florida House Bill 7151; 6A-10.040, and 6A-10.041, Florida Administrative Code.

**BASED ON POLICY:** I-21: Equal Access/Equal Opportunity

**EFFECTIVE DATE:** February 7, 1992

**LAST REVISION DATE:** August 3, 2020

**LAST REVIEW DATE:** August 3, 2020

## I. PURPOSE

To provide general information and guidelines concerning services available for students with disabilities, including the granting of auxiliary aids and services, substitutions, modifications, academic adjustments or waivers of requirements for admission to the College, its programs of study, its entry requirements to the upper division, or graduation for students with disabilities. To provide the College with procedures relating to students that may pose a direct threat to the health and safety of others.

## II. PROCEDURE

### A. Responsibility for Development and Implementation of the Procedure

Responsibility for the development and implementation of this Procedure to comply with the provisions of Policy I-21 Equal Access/Equal Opportunity relating to students with disabilities will reside with the Office of the Executive Vice President and Provost, working in cooperation with the Director of Equal Opportunity Programs/Americans with Disabilities Act (ADA) and Title IX Coordinator, Deans of Faculty, Student Deans, the Institutional Test Administrator (ITA), and ACCESS (A Comprehensive Center for Exceptional Student Services, also known as Disability Services) Directors/Coordinators.

The ADA Coordinator and the ACCESS Directors/Coordinators, or their Campus designees, serve as the College-wide ACCESS Committee. This Committee works to initiate the development and implementation of College Procedures and prepares updates and revisions for recommendation to the aforementioned responsible areas.

## B. Definitions of Disabilities

The definitions provided in State Board of Education Rule 6A-10.041, Substitution for Requirements for Eligible Disabled Students at Florida Colleges and Postsecondary Career Centers informed and extended by definitions contained in Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and the ADA Amendments Act of 2008 for persons with disabilities shall be applied for determining student eligibility for auxiliary aids, academic adjustments and other services, and to submit a request for substitution, modification, or waiver of any college requirement for admission to the College, its programs of study, its entry requirements to the upper division, or graduation.

Auxiliary aids and services are provided only when these disabilities create verifiable functional limitations to access academic and other college requirements or opportunities. Each Student's eligibility for auxiliary aids and services will be determined on an individual basis.

- (a) **Deaf/Hard of Hearing.** A hearing loss of thirty (30) decibels or greater, pure tone average of 500, 1000, 2000, and 4000 (Hz), unaided, in the better ear. Examples include, but are not limited to, conductive hearing impairment or deafness, sensorineural hearing impairment or deafness, and high or low tone hearing loss or deafness, and acoustic trauma hearing loss or deafness.
- (b) **Visual Impairment.** Disorders in the structure and function of the eye as manifested by at least one of the following: visual acuity of 20/70 or less in the better eye after the best possible correction, a peripheral field so constricted that it affects one's ability to function in an educational setting, or a progressive loss of vision which may affect one's ability to function in an educational setting. Examples include, but are not limited to, cataracts, glaucoma, nystagmus, retinal detachment, retinitis pigmentosa, and strabismus.
- (c) **Specific Learning Disability.** A disorder in one or more of the basic psychological or neurological processes involved in understanding or in using spoken or written language. Disorders may be manifested in listening, thinking, reading, writing, spelling, or performing arithmetic calculations. Examples include dyslexia, developmental aphasia, dysgraphia, dysphasia, dyscalculia, and other specific learning disabilities in the basic psychological or neurological processes.
- (d) **Orthopedic Impairment.** A disorder of the musculoskeletal, connective tissue disorders, and neuromuscular system. Examples include but are not limited to cerebral palsy, absence of some body member, clubfoot, nerve damage to the hand and arm, cardiovascular aneurysm (CVA), head injury and spinal cord injury, arthritis and rheumatism, epilepsy, intracranial hemorrhage, embolism, thrombosis (stroke), poliomyelitis, multiple sclerosis, Parkinson's disease, congenital malformation of brain cellular tissue, and physical disorders pertaining to muscles and nerves, usually

as a result of disease or birth defect, including but not limited to muscular dystrophy and congenital muscle disorders.

- (e) **Speech/Language Impairment.** Disorders of language, articulation, fluency, or voice which interfere with communication, pre-academic or academic learning, vocational training, or social adjustment. Examples include, but are not limited to, cleft lip and/or palate with speech impairment, stammering, stuttering, laryngectomy, and aphasia.
- (f) **Emotional or Behavioral Disability.** Any mental or psychological disorder including but not limited to organic brain syndrome, emotional or mental illness, or attention deficit disorders.
- (g) **Autism Spectrum Disorder.** Disorders characterized by an uneven developmental profile and a pattern of qualitative impairments in social interaction, communication, and the presence of restricted repetitive, and/or stereotyped patterns of behavior, interests, or activities. These characteristics may manifest in a variety of combinations and range from mild to severe.
- (h) **Traumatic Brain Injury.** An injury to the brain, not of a degenerative or congenital nature but caused by an external force, that may produce a diminished or altered state of consciousness, which results in impairment of cognitive ability and/or physical functioning.
- (i) **Intellectual Disability.** A disorder significantly below average general intellectual and adaptive functioning manifested during the developmental period, with significant delays in academic skills. Developmental period refers to birth to eighteen (18) years of age.
- (j) **Other Health Impairment.** Any disability not identified in paragraphs (B)(a) through (i) of this rule, where due to the identified disability, completion of this requirement is deemed impossible by a disability professional.

#### C. Eligibility for Auxiliary Aids, Program Modifications and Other Services

The College encourages students with disabilities to self-identify. It does this through diverse means including on-line web information, admission processes, college catalog, and information through academic courses (either directly or through course syllabi). Students are directed to ACCESS or the Campus designee where they are able to register for services, provide documentation of disability, and complete other forms to document requests for services.

Documentation must be provided from a licensed or certified professional such as a medical doctor, neurologist, audiologist, psychologist, education specialist, or other health care specialist, and should include a written statement of a diagnosed disability, identification of the instruments used, as well as professional interpretation of testing results. Such documentation of a disability may also include a physician's statement, vocational rehabilitation records (e.g., psychological, psycho-educational, or neuropsychological evaluation), or public school records (e.g., Individual Educational Plan [IEP], 504

accommodations plan).

Documentation of learning disabilities should include a psychological, psycho-educational or neuropsychological evaluation which is not older than three (3) years at the time it is presented to the College and includes a battery of generally accepted, current, and standardized assessment tests including IQ, comprehensive academic achievement, and cognitive processing tests.

The College may seek the advice of a qualified consultant regarding review of documentation and/or to validate a disability and the need for auxiliary aids and services whenever appropriate. At the College's option, the student may be required to obtain a second opinion if the College determines that the documentation does not support the "disability" claim of the student or the specific auxiliary aids/modification requested. The College reserves the right to request a new evaluation.

Auxiliary aids and other services may not be provided until the student submits professional documentation that verifies the disability and clearly supports any requested auxiliary aids or program modifications. Temporary authorization of auxiliary aids may be provided until the end of the next major term at the discretion of the ACCESS Director/Coordinator or Campus designee.

#### D. Maintaining Confidentiality

Student records will be maintained securely at all times. Only designated ACCESS Department staff and their administrative supervisors shall have access to documentation of disability records. Student data entered in the student data system under disability screens will be accessible only to those College personnel designated by each Campus ACCESS Director/Coordinator or Campus designee or as determined by the College administration overseeing access to confidential data. At all stages in the process of requesting auxiliary aids and services College staff will maintain confidentiality. Each ACCESS Department will develop specific procedures to maintain the security of all confidential records and their movement among designated personnel.

#### E. Admission to the College, Programs, Upper Division, and Graduation

As a College with an "open door" admissions policy, Miami Dade College provides equal educational opportunity for every individual. The College shall not make preadmission inquiry as to whether an applicant for admission is a person with a disability (disabilities) but, after admission, may make inquiries on a confidential basis as to disabilities that may require accommodation. In the event students apply to the College with a documented disability, these students will be provided with appropriate testing modifications on the basic skills assessment tests. The College will also provide auxiliary aids and services and instructional support services as well as reasonable substitution and modification, or waiver of any requirement for admission to the College, admission to programs of study, entry to the upper division, or graduation under the following circumstances: (1) the documentation of disability establishes that the failure to meet the requirement is related to the disability, and (2) the failure to meet the requirement does not constitute a fundamental alteration of the nature of the program of study or the nature of the degree or certificate program. An individual with a disability, with the support of auxiliary aids and services, should be able to

demonstrate that she or he is "otherwise qualified" to meet all the criteria that constitute the essential nature of an academic program of study or a certificate or a degree at the postsecondary level.

F. Direct Threat Assessment

1. The College may exclude a student from or place special conditions on a student's participation in its programs or activities if it concludes that the student presents a direct threat (i.e., a high probability of substantial harm) to the health and safety of others.
2. Where the College has a reasonable basis for believing that a student poses a direct threat, it will make an individualized assessment of the direct threat posed by the student, based on a reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, timing, probability, and severity of the risk; and whether reasonable modifications of the College's policies, practices, or procedures will mitigate the risk. In making the assessment, the College will confer with individuals who have in-depth knowledge of, and experience in, the area of the student's disability. Pending the outcome of a formal assessment, the College may set interim conditions on the student, provided the student is afforded minimal due process (i.e., notice of the proposed action, the opportunity to present information on his or her behalf, and a right to appeal).
3. If the College determines that a student does not pose a direct threat to the health and safety of others, or determines that the student no longer poses such a direct threat, the College will not exclude the student from or place special conditions on the student's participation in its programs or activities, and as such, provide the proper written notice to the student of this determination, effectively readmitting the student and restoring all his./her attendant privileges, benefits and services, as a student in the College's academic program in the status of, and at the academic level attained by the student prior to the determination that he/she was a direct threat.
4. The College will not require a student to provide a comprehensive mental health evaluation and/or similar documentation, except: (i) in the course of conducting an individualized assessment of whether that student poses a direct threat to the health and safety of others, when it has a reasonable basis to believe that the student may pose such a threat; of (ii) as otherwise reasonably necessary for the College to comply with its obligations under Section 504 and Title II.
5. If the College makes a final determination that a student poses a direct threat to the safety of others, it will give the student the opportunity and/or forum to address these charges and present evidence supporting a contrary finding.
6. Following a determination that a student poses a direct threat to the safety of others, the College must communicate to the student the exact circumstances, including timetables if applicable, that would cause the student to no longer be considered a direct threat, reaffirm such student's qualified status as an individual with a disability and allow the student to return to the College's program.

7. If the College determines, in accordance with number 5 above, that a student poses a direct threat to others, the College may condition the student's future receipt of a benefit or service upon the student's provision of documentation showing that the student is no longer a threat. Such evidence may include, but not be limited to, a treatment plan or periodic reports from a physician. The College will not, however, condition the provision of a benefit or service upon a showing by a student that he has eliminated behaviors that are a manifestation of a disability, unless such behavior significantly contributed to the direct threat.

#### G. Identification of Instructional Support Services

Auxiliary aids and services, program modifications and other instructional support services are offered for students with a documented disability. Such assistance and other services must be arranged through the Campus ACCESS Department or Campus designee's office. Course modifications (e.g. additional time on tests, oral versus written tests, etc.) and other forms of special assistance may be provided for students based upon review of appropriate documentation of disability.

ACCESS will review eligibility for instructional support services on an individual basis and work with student and faculty to determine the most effective program modification.

#### H. Service Animals

In accordance to the Americans with Disabilities Act (ADA), a service animal is defined as a dog or a miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, also referred to here as its handler. Service animals should do work or perform tasks directly related to its handler's disability. The handler is responsible for the care and supervision of the service animal, which includes toileting, feeding, and grooming and veterinary care.

The service animal must be on a leash, harness or tether at all times unless such use prevents the performance of the necessary task; in this situation, the animal must be otherwise under control (e.g., by voice control, signals, etc.). College personnel cannot make direct inquiries about the person's disability, require medical documentation for the individual, require a special identification card for the animal or training documentation for the animal, or ask that the animal demonstrate its ability to perform the work or task. A person with a disability cannot be asked to remove their service animal from the premises unless: (1) the animal is out of control and the handler does not take effective action to control it or (2) the animal is not housebroken.

College personnel may inquire about the animal's status only if there is a compelling reason to believe that the animal is not a service animal. In that instance, it is permissible to make the following inquiries only, in order to establish the animal's status:

- Is the animal required because of a disability?
- What work or task has the animal been trained to perform?

If the individual's responses to the above questions do not clarify the concern, a referral for further inquiry or follow up should be made to the campus ACCESS Department Director/Coordinator or Campus Designee for student-related issues or the Director

for the Office of Equal Opportunity Programs/ADA/Title IX for student, employee, or visitor-related issues, as appropriate.

A student with a service animal is **not** required to register with the campus ACCESS Department nor is the student required to present an instructor notification form to their course instructor to have the service animal in the classroom or on campus.

Emotional support, therapeutic, companion, or comfort animals (including dogs) are not considered service animals and are **not** covered under ADA legislation, and therefore **not** permitted by Miami Dade College.

## I. Course Substitution Process

Students seeking a reasonable course substitution should go to the Campus ACCESS Department or ACCESS designee on Campus, to receive assistance in making a formal request for a course substitution. The ACCESS Director/Coordinator or designee will at that time initiate a Tracking Form (see Attachment A) and provide the student with a Criteria & Guidelines Form (see Attachment B) that details what the student needs to do to become eligible for a course substitution.

The following sections will provide that specific criteria and guidelines contained in Attachment B, the approval process, attempts made in the subject area, and information regarding courses approved for substitutions.

### Criteria for Course Substitution

Each request for a course substitution is determined on a case-by-case basis; however, the following criteria will be used in determining whether a reasonable substitution request has been submitted:

1. The student has earned a grade of “C” or better in at least 12 college-level credits to establish that the student is “otherwise qualified” in the academic program.
2. The student has provided a complete written explanation for the request that contains a history of how the disability has impacted the particular subject area and what efforts have been made to use all the auxiliary aids and services that are available. The student should also submit documentation that supports the request (e.g., high school records, letters from instructors and tutors, etc.).
3. The student has submitted documentation from a licensed professional that provides sufficient evidence that the disability condition is directly impacting the student’s academic success in the subject area of the request for substitution.
4. If the student is submitting documentation based upon a learning disability, the documentation provided must meet professional content standards (see Guidelines for Requesting a Course Substitution Based Upon a Learning Disability).
5. Upon submission of eligible documentation of disability, a student should make request for services or program modifications through the Campus ACCESS

Department in order to make use of the range of auxiliary aids or services (e.g., extra time on exams, special tutorial support, etc.) that might allow the student to find success in the required course(s).

6. The student should submit documentation to support that a valid attempt has been made to complete the appropriate level course that prepares the student for meeting the general education course requirement (e.g., statement from instructors; statement from lab instructor or persons who have served as tutors).
7. The student has reviewed the Criteria & Guidelines Form (Attachment B) and signs the form to signify that all the criteria along with specific guidelines are understood before any request for a course substitution is submitted.

#### Guidelines for Requesting a Course Substitution Based Upon a Learning Disability

**All** evaluations (e.g., psychological, psychoeducational, neuropsychological) submitted for course substitutions require the following:

1. Identification of the professional(s) responsible for the evaluation and information regarding the evaluator(s) licensure or certification.
2. Dates of the evaluation.

**Note:** A Psychological or Neuropsychological evaluation should be no older than three (3) years at the time it is presented to the College.

3. A listing of all intelligence and other tests and measures used including standard scores.

**Note:** Tests and measures used should primarily include those that are standardized and currently used in the field.

#### Other Important elements of the evaluation should include the following:

1. Achievement tests in reading and language that address decoding abilities as well as comprehension and written expression.
2. Achievement tests in mathematics that address computational as well as problem-solving skills.
3. Cognitive processing tests that include abstract or fluid reasoning, visual, auditory, general perceptual motor processing, or processing tests that may support diagnoses of disability.
4. A specific diagnosis of disability.
5. Recommendations for auxiliary aids, services, or program modifications.

**Note:** Psychological evaluations that do not include elements listed above may not be



considered, and the student may be advised to seek an additional evaluation.

### Guidelines for Requesting a Course Substitution Based Upon Other Disability Conditions

Students with other documented disabilities should submit documentation provided by a specialist in the field of the disability under consideration that is current (not older than three years [3] at the time it is presented to the College) and relevant to the requested course substitution. In some cases, older documentation may be considered if the condition has been substantially established as developmental or is a permanent disability.

### Attempts Made in Subject Area

The State Board of Education Rule 6A-10.041 as amended in 2011 includes a provision for students who qualify for a course substitution which would allow such students to be exempt from the developmental education in the basic skill area for which the student is eligible for a course substitution, provided that successful completion of the developmental education or college-level coursework is not considered an essential part of the curriculum in the student's academic program. Nevertheless, ACCESS advisors will encourage a student who may have a documented disability that impacts a subject area to attempt the course designated by placement scores so that the student has an opportunity to benefit from available auxiliary aids/program modifications. If the student is successful in that class, he or she will be assisted to go to the next level and continue pursuing appropriate courses until he or she is not able to pass the course, or with the advice of his or her professor, withdraws from the course. It would be expected, based upon documentation of disability that students will receive, at a minimum, extra time taking tests with all attempts arranged through ACCESS. The documentation of attempts at the particular courses must be viewed as extra effort, not essential criteria. The absence of an attempt should not negatively impact a decision made at any level. A student who has already made several attempts at a course at the College or elsewhere will be expected to provide information about any support he or she received. The ACCESS Director/Coordinator will advise a student whether this constitutes sufficient effort to send the request forward with no additional course attempts. Again, documentation of attempts to pass courses, with or without support, should not be primary determinants of whether the course substitution will be approved.

### Courses Approved for Substitutions

The College-wide ACCESS Committee, which includes Campus ACCESS Directors / Coordinators and Campus designees, the College Director of Equal Opportunity Programs/ADA Coordinator, and the College's Institutional Test Administrator working in conjunction with the Discipline Committee Conveners and Academic Deans will be responsible for identifying, reviewing, and updating the recommended course substitutions list for mathematics and foreign languages (see Attachment C, Mathematics Substitution List for Students with Disabilities and Foreign Language Substitution List for Students with Disabilities) no less than every five years. Any updated listing of course substitutions will be submitted by the appropriate Dean of the Faculty ("lead" Dean for the discipline or school) to the College Academic and Student Support Council (CASSC) via the curriculum approval process for review and approval as needed. Courses for substitutions in other subject areas will be determined by the department chairperson or program/school director as appropriate at the time a request is made.

A course that is being used as a substitution may be completed at any time before, during, or after the course substitution request is approved.

### Student Responsibility for Determining Effects of Course Substitution

The student is responsible for contacting any college or university to which the student is planning to transfer in order to determine if and how the course substitution will be honored and affect the student's planned program of study. This responsibility also applies to students who are planning to pursue a Bachelor's or a different degree program at Miami Dade College.

### Approval Process

Each reasonable course substitution request package will be carefully reviewed to ensure that it meets the criteria established in this procedure (College Procedure 4055 Services Provided for Students with Disabilities), and that the granting of the course substitution does not constitute a fundamental alteration of the academic program or degree requirements established by the College.

The following levels of review will consider the course substitution request package:

1. *The department of the subject area to be substituted.* The chair of the Department will examine the request, the student's documentation of disability, the courses taken and the student's efforts to achieve success in each course. The Chair will use this information to either support the request or make recommendations.
2. *The Campus ACCESS Department.* The request and all supporting documentation will be reviewed by the Campus Director/Coordinator/designee or by a Campus Learning Disability Specialist. A Campus Director/Coordinator will state whether the request is supported.

The ACCESS Director/Coordinator or Campus designee may exclude personal or other sensitive information from the documentation used in the review process if it is not related to the disability condition prompting the substitution or waiver. The student, a legally appointed guardian as defined in Title 26 U.S.C. s. 152 of the Internal Revenue Code, or a legal advocate may also make a request that such sensitive material be removed.

3. *The College-wide ACCESS Committee.* The Committee will discuss the course substitution request and a quorum (three fourths of the Committee) will determine whether the request is fully supported by the documentation or whether additional information or action is necessary. The Committee will vote on each request, and the Chair of the Committee will summarize the level of support and indicate whether it is approved. Once approved by the College-wide ACCESS Committee, the request will be forwarded to the Campus Dean of Faculty through the Campus ACCESS Department.
4. *The Dean of Faculty.* The Dean of Faculty will review the request package, indicate

whether the substitution is approved, then return the request to the Campus ACCESS Department. ACCESS will update and maintain a copy of the Tracking Form (Attachment A) and forward the request to the final level of approval.

5. *The College Waiver Committee for Students with Disabilities.* This Committee shall consist of the Executive Vice President and Provost, the Vice Provost for Academic Affairs, the Institutional Test Administrator, and the ACCESS Director/Coordinator Liaison, appointed up to two years at the discretion of the Executive Vice President and Provost. The ACCESS Director will provide disability-related input to the Waiver Committee but shall not have a vote. This Committee will ensure that each request does not compromise the integrity of the College's academic programs.

The decision of the Waiver Committee will be provided in a letter to the student. An email communicating the decision shall also be sent to the Campus Advisement Director or designee and the Campus ACCESS Director/Coordinator or designee.

For approved requests, ACCESS will prepare the MDC Course Substitution Approval Form (Attachment E) and forward it to the Campus Advisement Director or designee.

The Campus ACCESS Director/Coordinator will be responsible for preparing the letters for a denial made at any level prior to the Waiver committee. All decisions will be communicated in writing to the College Director of Equal Opportunity Programs/ADA and Title IX Coordinator.

The Campus ACCESS Director/Coordinator will also determine whether the student wants to request that any course grades of "D", "F", or "U" in the approved subject area be changed to a "W" and submit a change of grade request to the Campus Dean of Faculty and Student Dean.

## J. Waivers

All waiver requests will be submitted utilizing the basic process in Section G of College Procedure 4055 Services Provided for Students with Disabilities.

1. Requests for Developmental Education Waivers

Students in some Associate of Science (A.S.) degree programs may only need to meet developmental education mathematics requirements either through college-ready mathematics placement test scores or developmental education course completion. These programs do not require college-level mathematics courses. Students with disabilities may request a waiver of these requirements. These requests are processed in the same manner as course substitution requests except that, once approved, the District Testing Office will make a change in the student's record indicating that the developmental education requirements in mathematics have been met by permission.

2. Request for Tests of Adult Basic Education (TABE) Waivers

Some Career and Technical Education (CTE) Programs have specific minimum basic

skill level exit requirements. Students with disabilities may request a TABE Waiver through the ACCESS Director/Coordinator or Campus designee on the respective Campus who shall first seek the review and signature of the CTE Program/School Director using the Request Form (see Attachment D). The Student should have taken the TABE subtest from which he or she is seeking to be exempted at least twice before the TABE waiver request is submitted. These requests are processed in the same manner as course substitution requests.

### 3. Requests for Other Types of Waivers

Students may request other types of waivers for program requirements directly to a program director or receive assistance from ACCESS to process a waiver request using the same procedures in items 1 and 2 above.

#### K. Request for Course Substitution or Waiver for a Subsequent Degree/Certificate Program

Should a student who has already been approved for a course substitution seek to obtain a subsequent course substitution for another degree or certificate program, a new request must be submitted along with supporting documentation from the previous approval (i.e. course substitution approval letter). This is necessary in order to ensure that a course substitution in a different degree or certificate program will not constitute a fundamental alteration of the nature of that new program. Only one form is needed for students who are submitting requests for course substitutions for AA/AS degrees at the same time.

#### L. Articulation

##### 1. Course Substitutions from Other Institutions

In accordance with *State Board Rule 6A-10.041(3), Florida Administrative Code*, the College will accept all substitutions previously granted by a state postsecondary institution; however, a student currently attending another state postsecondary institution will be expected to apply for a course substitution from that institution.

The ACCESS Director/Coordinator or designee at each Campus will be responsible for assisting the student to gather supporting documentation required for submission to the Waiver Committee for Students with Disabilities. This process will also include ensuring that the approved course substitution is not being applied to a new degree or certificate program where it would constitute a fundamental alteration in the nature of the new degree/certificate program.

##### 2. Course Substitutions to Another Institution or MDC Upper Division Programs

When initiating a course substitution request, a student will be advised to contact any college or university to which the student is planning to transfer in order to determine whether the course substitution will be accepted at that institution and also determine the extent to which the course substitution effects a student's planned program of study. This applies even when a student continues an upper division program at the College. Students are provided with this information at the time they receive the Criteria & Guidelines Form (Attachment B).

### M. Appeals

Decisions related to course substitutions or waivers may be appealed to the next level of the approval process. The findings of the Waiver Committee for Students with Disabilities may be appealed to the College President or designee. A student wishing to file such an appeal will work through the Campus ACCESS Director/Coordinator or Campus designee.

Students may also submit an appeal to the College's Office of Equal Opportunity Programs/ADA and Title IX Coordinator at 305-237-2577. Students who choose to file complaints external to the College may contact the U.S. Department of Education Office for Civil Rights at [www.ed.gov/ocr/complaintintro.html](http://www.ed.gov/ocr/complaintintro.html).

### N. Awareness of Procedures

The College-wide ACCESS Committee will ensure that students, faculty and staff are aware of College Procedure 4055 Services Provided for Students with Disabilities and that it can be made available in alternate formats. This will be accomplished through direct presentations to academic and student services departments, at student, faculty and staff orientations, or through Center for Institutional and Organizational Learning (CIOL) Workshops.

The College-wide ACCESS Committee will also work with academic departments to include references to ACCESS and *College Procedure 4055 Services Provided for Students with Disabilities* in each course syllabus.

College Procedure 4055 Services Provided for Students with Disabilities will be included in the *Students' Rights and Responsibilities*. This document will also be available in print upon request at the New Student Centers, Campus Student Life offices, and Admissions offices or online at <https://www.mdc.edu/rightsandresponsibilities/>. *College Procedure 4055 Services Provided for Students with Disabilities* will also be made available on the College's website, <http://www.mdc.edu/procedures/Chapter4/4055.pdf>.

### O. Student Records

Student records including full documentation for individual students registering with ACCESS will be maintained by the Campus ACCESS Director/Coordinator or Campus designee. These records will reflect dates and specific requests for services as well as the nature of services received.

Letters to students for course substitution or waivers will be copied to the College's Office of Equal Opportunity Programs/ADA and Title IX Coordinator for permanent retention and completion of required state reports. The Institutional Test Administrator will also maintain records of all decisions reviewed by the Waiver Committee for Students with Disabilities.

### P. Resource and Web Site Information

The following web sites provide additional recommendations and/or information for *College Procedure 4055 Services Provided for Students with Disabilities*:

See <https://www.dol.gov/odep/topics/disability.htm> for federal laws, regulations, and guidelines


See <https://www.flrules.org/gateway/ChapterHome.asp?Chapter=6a-10> for State Rules, 6A-10.040, and 6A-10.041

See

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Index\\_&\\_Title\\_Request=XLVIII#TitleXLVIII](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Index_&_Title_Request=XLVIII#TitleXLVIII) for Statutes, 1007.02, 1007.264 and 1007.265

See <http://www.fldoe.org/schools/higher-ed/fl-college-system/equity-civil-rights-compliance.stml> for Governing Laws, Rules & Policies

- Attachments: A – Tracking Form for Course Substitution or Waivers  
B – Criteria and Guidelines for Course Substitution and Waivers  
C – Mathematics Substitution List for Students with Disabilities and Foreign Language Substitution List for Students with Disabilities  
D – Request Form for Course Substitution and Waivers  
E – Course Substitutions Approved for Students with Disabilities (to Advisement Director)  
F – Florida Department of Education Memorandum, July 18, 2011; House Bill 7151 – Admission of Students with Disabilities in the Florida College System

	
8/3/2020	
<b>PRESIDENT</b>	<b>DATE</b>

Student Name \_\_\_\_\_

MDCID \_\_\_\_\_

CAMPUS \_\_\_\_\_

**MIAMI DADE COLLEGE  
TRACKING FORM**

- Course Substitution     TABE Waiver     Developmental Education Waiver     Other Waiver

*This form is intended as the coversheet that is initiated from the time a student submits documentation of disability for a course substitution or waiver through all levels of review and approval/disapproval including actions that must be taken subsequent to these decisions. ACCESS Departments should maintain a copy of the Tracking Form and continue to monitor the status on all actions pertaining to student requests for course substitution or waivers.*

Course Substitution or Waiver Processes and Actions		Date	Signature
1	<b>ACCESS</b> receives student's letter of request for substitution or waiver.		
2	<b>ACCESS</b> receives all of student's supporting documentation (e.g., psychological evaluation, letters of support from tutors, instructors, lab reports, and the most current academic requirements report, unofficial MDC transcripts, and unofficial transcripts from other postsecondary institutions).		
3	<b>ACCESS</b> forwards completed request package to the appropriate Academic Chair or Program/School Director for review.		
4	<b>Academic Chair or Program/School Director</b> returns request package to ACCESS.		
5	<b>ACCESS</b> submits request package to the College-wide ACCESS Committee.		
6	<b>ACCESS</b> informs student of decision of Committee.		
7	<b>ACCESS</b> submits request package to the Dean of Faculty.		
8	<b>Dean of Faculty</b> returns request package to ACCESS.		
9	<b>ACCESS</b> informs student of decision of Dean of Faculty.		
10	<b>ACCESS</b> submits request package to the Institutional Test Administrator (ITA) in the District Testing Office for the Waiver Committee review.		
11	<b>Provost's Office</b> notifies student of the District Waiver Committee's decision by letter copied to the appropriate ACCESS Director/Coordinator.		
12	<b>ACCESS</b> contacts student to make sure the letter from the Provost Office was received.		
13	<b>District Testing</b> enters course substitution or waiver approval into student records system.		
14	<b>ACCESS</b> records decision of District Waiver Committee for <u>Annual Equity Report</u> .		
15	<b>ACCESS</b> prepares <u>Course Substitutions Approved for Students with Disabilities Form</u> (Attachment E) for the Campus Director of Advisement for updating of academic requirements when course substitutions are successfully completed.		
16	<b>ACCESS</b> prepares Grade Change Form and memo to the Dean of Faculty and Dean of Students requesting that grades of "D", "F", or "U" be changed to "W" in approved course substitution subject area if requested by student.		
17	<b>ACCESS</b> notifies student when course substitution or waiver process is completed.		

**Course Substitution/Waiver Request Checklist:**

- Memo(s) providing overview or explanation of request, including expected graduation term
- Tracking Form (Attachment A)
- Criteria and Guidelines Form signed by the student (Attachment B)
- Mathematics and Foreign Language Substitution List for Students with Disabilities (Attachment C)
- Request Form (Attachment D)
- Student letter of request for Course Substitution or Waiver
- Supporting documentation provided by student (e.g. statements from faculty member(s), lab instructor(s), tutor(s), etc.)
- Disability Screen from Student Records System, updated to reflect category that applies to course substitution/waiver request
- Addendum or update to disability documentation
- Documentation of disability/evaluation directly related to course substitution/waiver request  
Diagnosis: p. \_\_\_\_\_ Recommendation(s): p. \_\_\_\_\_
- History of all test scores in Student Records System
- Current Academic Requirements Report
- Current Unofficial Transcripts (MDC and/or other post-secondary institutions)

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 Student Name
 

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 MDCID
 

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 CAMPUS
 

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**MIAMI DADE COLLEGE**  
**CRITERIA & GUIDELINES**  
**For Course Substitutions and Waivers**

*The following are criteria for Course Substitutions and Waivers as set out in District Procedures 4055, Section II, I through K; the criteria are followed by guidelines to complete the process.*

**CRITERIA for Course Substitution**

The following criteria will be used in determining whether a reasonable substitution request has been submitted:

1. The student has earned a grade of "C" or better in at least 12 college-level credits to establish that the student is "otherwise qualified" in the academic program.
2. The student has provided a letter with a complete explanation for the request that contains a history of how disability has affected the particular subject area and what efforts have been made to use all the auxiliary aids, services, and program modifications that are available.
3. The student has submitted documentation from a licensed professional that provides sufficient evidence that a disability condition is having a direct impact upon the student's academic success in the specific subject area with which the student is requesting a substitution.
4. If the student is submitting documentation based upon a learning disability, the documentation provided must meet professional content standards (see item below).
5. Upon submission of eligible documentation of disability the student should do one of the following: (a) **if no assistance has been requested of ACCESS** for previous attempts in the subject area, the student should make a request for ACCESS auxiliary aids and services or program modifications (e.g., extra time on exams, special tutorial support, etc.) that might allow the student to find success in the required course(s), or (b) **if a valid attempt using all resources available has already been made** to complete the required course(s), the student should submit documentation that supports this (e.g., statement from instructors; statement from lab instructors or persons who have served as tutors).
6. The student has reviewed this Criteria & Guidelines Form and signed the form to signify that all the criteria along with specific guidelines are understood before any request for a course substitution is submitted.

**NOTE:** Item 5 may be waived depending upon nature of documentation of disability, which must be the first consideration.

**GUIDELINES for Requesting a Course Substitution Based Upon a Learning Disability**

All evaluations (e.g., psychological, psycho-educational, neuropsychological) submitted for course substitutions or waivers should include the following:

**REQUIRED ELEMENTS INCLUDE THE FOLLOWING:**

1. Identification of the professional(s) responsible for the evaluation and information regarding their licensure or certification.
2. Dates of the evaluation. **NOTE:** An evaluation should not be older than 3 years at the time it is presented to the College.
3. A listing of all intelligence and other tests and measures used *along with standard scores*. **NOTE:** Tests and measures used should primarily include those that are standardized and currently used in the field.

**ADDITIONAL RECOMMENDED DOCUMENTATION INCLUDES THE FOLLOWING PROFESSIONAL CONTENT STANDARDS:**

1. Achievement tests in reading and language that address technical decoding abilities as well as comprehension and written expression.
2. Achievement tests in mathematics that address computational as well as problem solving skills.
3. Cognitive processing tests that include abstract or fluid reasoning, visual, auditory, and general perceptual motor processing.
4. A specific diagnosis.
5. Recommendations for auxiliary aids, services, or program modifications.

**NOTE:** Evaluations that do not include elements listed above may not be considered, and students may be advised to seek an additional evaluation.

**GUIDELINES for Requesting a Course Substitution Based Upon Other Disability Conditions**

Students with other documented disabilities should also provide documentation that is current and relevant to the issue of a course substitution provided by a specialist in the field of the disability under consideration. In some cases, older documentation may be considered if the condition has been substantially established as developmental or is a permanent disability.

**Student Responsibility for Determining Effects of Course Substitution or Waiver**

The student is responsible for contacting any college or university to which the student is planning to transfer in order to determine if and how the course substitution will be honored and affect the student's planned program of study. This would include application to a Bachelor's or a different degree program at Miami Dade College.

**CRITERIA for Waivers**

1. TABE Waivers - The student should have made at least *two* attempts at the TABE subtest under consideration.
2. All Waivers - Psychological and other evaluations used for Waivers must meet the same criteria as outlined for Course Substitutions.

**Change of Failing Grades in Course Substitution Subject Area**

Once a course substitution has been approved, the student may request that ACCESS initiate a **change of grade request** to the Campus Dean of Faculty and the Campus Dean of Students. Only grades of "D", "F", or "U" can be changed to "W" in the subject area approved for substitution.

**STUDENT:** With my signature below, I acknowledge that I understand the Criteria and Guidelines and I have received a copy for my use and review.

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 Student Signature

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 Date

Copy for student. Original kept in student file until submitted with the Request Form for approval.

**NOTE: This form may be made available in an alternate or large print format.**



\_\_\_\_\_  
Student Name

\_\_\_\_\_  
MDCID

\_\_\_\_\_  
CAMPUS

**MIAMI DADE COLLEGE**  
**MATHEMATICS SUBSTITUTION LIST FOR STUDENTS WITH DISABILITIES**

The following courses may substitute for General Education Mathematics requirements:

**ACG 2001 PRINCIPLES OF ACCOUNTING 1**

**ACG 2011 PRINCIPLES OF ACCOUNTING 2**

**ACG 2021 FINANCIAL ACCOUNTING**

**AST 1002 DESCRIPTIVE ASTRONOMY**

**BSC 1005 GENERAL EDUCATION BIOLOGY**

**CGS 1060 INTRODUCTION TO MICROCOMPUTER USAGE**

**ECO 2013 PRINCIPLES OF ECONOMICS (Macro)**

**FIN 2000 PRINCIPLES OF FINANCE**

**EME 2040 INTRODUCTION TO EDUCATIONAL TECHNOLOGY**

**GEB 1011 PRINCIPLES OF BUSINESS**

**HUN 1201 ESSENTIALS OF HUMAN NUTRITION**

**PHI 2010 INTRODUCTION TO PHILOSOPHY**

**PHI 2604 CRITICAL THINKING AND ETHICS**

**PHY 1004 INTRODUCTORY PHYSICS**

**PSY 2012 INTRODUCTION TO PSYCHOLOGY**

**MUT 1001 FUNDAMENTALS OF MUSIC THEORY**

**MUT 1111 MUSIC THEORY 1**

**MUT 1112 MUSIC THEORY 2**

\_\_\_\_\_  
Student Name

\_\_\_\_\_  
MDCID

\_\_\_\_\_  
CAMPUS

**MIAMI DADE COLLEGE**  
**FOREIGN LANGUAGE SUBSTITUTION LIST FOR STUDENTS WITH DISABILITIES**

The following courses may substitute for General Education Foreign Language requirements:

**ANT 2410 CULTURAL ANTHROPOLOGY**

**ARH 2050 ART HISTORY I**

**ARH 2051 ART HISTORY II**

**LIN 2606 INTRODUCTION TO SOCIOLINGUISTICS**

**LIT 2110 A SURVEY OF WORLD LITERATURE 1**

**LIT 2120 A SURVEY OF WORLD LITERATURE 2**

**REL 2300 WORLD RELIGIONS**

**SYG 2000 INTRODUCTION TO SOCIOLOGY**

**SYG 2010 SOCIAL PROBLEMS**

Student Name \_\_\_\_\_

MDCID \_\_\_\_\_ CAMPUS \_\_\_\_\_

**MIAMI DADE COLLEGE  
REQUEST FORM FOR COURSE SUBSTITUTIONS AND WAIVERS**

Course Substitution    TABE Waiver    Developmental Education Waiver    Other Waiver

Student Name: \_\_\_\_\_ MDCID: \_\_\_\_\_

Program: \_\_\_\_\_

Program Code: \_\_\_\_\_ Cumulative GPA at MDC: \_\_\_\_\_ Cumulative Credits Earned: \_\_\_\_\_

Disability: \_\_\_\_\_

General Education Requirement of Request: \_\_\_\_\_

Reason for Request: \_\_\_\_\_

Other colleges attended: \_\_\_\_\_ Other colleges attending: \_\_\_\_\_

TABE subtest(s) for which waiver is requested: \_\_\_\_\_

Developmental Education area(s) for which waiver is requested: \_\_\_\_\_

Other Waiver which is being requested: \_\_\_\_\_

Telephone: \_\_\_\_\_ Address: \_\_\_\_\_

Alt. Phone: \_\_\_\_\_

Email: \_\_\_\_\_

**Student Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**1. Review of request by department chairperson or program/school director as appropriate:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**Department Chairperson or Program/School Director**

**2. Review of request by Campus ACCESS Department:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**ACCESS Director/Coordinator or Campus Designee**

**3. Action by the College-wide ACCESS Committee:**

APPROVED: \_\_\_\_\_ DENIED: \_\_\_\_\_ **DATE OF MEETING:** \_\_\_\_\_

Rationale: \_\_\_\_\_  
\_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**Lead Director, College-wide ACCESS Committee**

**4. Action by the Campus Dean of Faculty:**    APPROVED: \_\_\_\_\_    DENIED: \_\_\_\_\_

Rationale: \_\_\_\_\_  
\_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**Campus Dean of Faculty**

\* Attach additional comments as needed.

Student Name \_\_\_\_\_

MDCID \_\_\_\_\_

CAMPUS \_\_\_\_\_

**ACCESS Modifications Overview & Review**

**Overview of Auxiliary Aids, Services and Program Modifications:**

Dates of ACCESS Intervention: \_\_\_\_\_ to \_\_\_\_\_

**Summary of Request:**

Signature: \_\_\_\_\_  
 LD Specialist/Coordinator or Campus Designee

Date: \_\_\_\_\_

**Review of Academic Requirements Report**

1. In the first column, enter required program course(s).
2. In the second column, enter course(s) that have already been taken from the approved course substitution list and include the term and final grade as shown in the example below.
3. In the third column, enter course(s) the student plans to take from approved course substitution list.
4. Advise student to adjust their MAP to reflect any change(s) planned for future terms.

<b>Course Substitution(s)</b>		
Required Program Course(s) <i>(e.g., MGF1106, MAC1105)</i>	Substitution Course(s) Already Successfully Completed / Term <i>(e.g., CGS1060c / 2183 with "A")</i>	Anticipated Substitution Course(s) Not Yet Completed <i>(e.g., CGS1060c)</i>

**Note: A course that is being used as a substitution:**

- 1) may be completed at any time before, during, or after the course substitution request is approved.
- 2) must be on the approved Mathematics or Foreign Language List or must be determined by the department chairperson or program/school director as appropriate for substitutions in other subject areas.



Course Substitutions Approved for Students with Disabilities

To: Director of Advisement & Career Services:
[ ] Hialeah [ ] Homestead [ ] Kendall [ ] Medical [ ] North
[ ] Padron [ ] West [ ] Wolfson

From: ACCESS Director/Coordinator:
Name: \_\_\_\_\_

(signature) (date)

Subject: SUBSTITUTION FOR ASSOCIATE IN ARTS, ASSOCIATE IN SCIENCE AND CERTIFICATE PROGRAMS

Re: \_\_\_\_\_ Student's Last Name, First Name Student MDCID

The above-named student has been approved for a course substitution in a degree or certificate program. Please note the relevant program information as follows:

Program: \_\_\_\_\_

Program Code: \_\_\_\_\_

Effective Term of Program: \_\_\_\_\_ Course substitution approved date: \_\_\_\_\_

Table with 5 columns: Program Area (e.g., Mathematics), Required Course (e.g., MAC 1105), Number of Credits, Completed Substitution, Number of Credits. Rows 1 and 2 are empty.

Please refer to the Comments screen in the Student Records System.