


May 28, 2014

Code: AA-2014-08

MEMORANDUM

TO: CSU Presidents

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

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

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

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

Questions about the policy may be directed to Mr. Ray Murillo, Director of Student Programs, Academic Affairs, Student Academic Support, at rmurillo@calstate.edu or (562) 951-4707, or Dr. Sabrina Sanders, Assistant Director of Student Programs, Academic Affairs, Student Academic Support, at ssanders@calstate.edu or (562) 951-4693.

Attachment

- c: Chancellor Timothy P. White
Dr. Ron Vogel, Associate Vice Chancellor, Academic Affairs
Mr. Eric Forbes, Assistant Vice Chancellor, Student Academic Support
Mr. Ray Murillo, Director, Student Programs
Dr. Sabrina Sanders, Assistant Director, Student Programs
Dr. Sheila Thomas, State University Dean, Extended Education
Provosts/Vice Presidents, Academic Affairs
Vice Presidents, Administration and Finance
Vice Presidents, Student Affairs
Directors, Services to Students with Disabilities
Systemwide Advisory Committee on Services to Students with Disabilities

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THE CALIFORNIA STATE UNIVERSITY

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

Introduction

The California State University (CSU) Policy for Provision of Accommodations and Support Services to Students with Disabilities prohibits unlawful discrimination against students on the basis of disability in CSU programs, services, and activities, in accordance with, but not limited to, the Americans with Disabilities Act of 1990, as amended 2008 (ADAAA); Sections 504 and 508 of the Federal Rehabilitation Act of 1973, as amended; and applicable state laws including but not limited to the Donahoe Higher Education Act, Education Code sections 67302, 67310-13 and sections 11135 and 12926 of the Government Code.

Executive Order 926, the CSU Policy on Disability Support and Accommodations, was issued in 2004. Executive Order 926 documents and makes explicit systemwide policies for disability support and accommodation, and delegates responsibility to campus presidents and designees to develop and maintain overall procedures for ensuring compliance with federal and state laws and regulations, as well as with local campus policies. Compliance addressed in Executive Order 926 may affect students, faculty, staff and the general public. The CSU Policy for Provision of Accommodations and Support Services to Students with Disabilities, on the other hand, applies only to students with disabilities.

I. CSU Policy on Non-Discrimination on the Basis of Disability

In accordance with the provisions of applicable law, this policy is intended to ensure that no qualified individual with a disability shall, on the basis of disability, be excluded from participation in the services, programs, or activities of the CSU and its campuses. The CSU will provide appropriate accommodations and support services and make reasonable modifications in policies, practices, or procedures when necessary to avoid discrimination on the basis of disability, unless it is demonstrated that providing such accommodations, services, or modifications would result in a fundamental alteration in the nature of the service, program, or activity or would create undue financial or administrative burdens.

II. Definitions and Terms

- A. A **disability** shall mean a physical or mental impairment of an individual that limits one or more of the major life activities and requires either a record of such an impairment, or documentation of having been regarded as having such an impairment.

B. An **individual with a disability** shall refer to:

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

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

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

III. CSU Disability Categories for Reporting Purposes

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

- A. **Visual limitation:** Blindness or partial sight to the degree that it impedes the educational process and may necessitate accommodations, support services, or programs.
- B. **Communication disability:** Limitations in the speech and/or hearing processes that impede the educational process and may necessitate accommodations, support services, or programs.
- C. **Deaf and Hard of Hearing:** Limitation in the hearing process that impedes the educational process and necessitates accommodations, support services, or programs. Students in this category may require communication accommodation such as oral or sign language interpreters, note taking services, or real-time captioning services.

- D. **Mobility limitation:** Limitation in locomotion or motor functions that indicates a need for accommodations, support services, or programs. Included in this category are persons who have asthma, cardiovascular problems, or other physical limitations that restrict the ability to function without accommodation in the campus environment.
- E. **Learning disability:** A generic term that refers to the heterogeneous group of disorders manifested by difficulties in the acquisition and use of listening, speaking, reading, writing, reasoning, or mathematical abilities presumed to be due to central nervous system dysfunction. Even though a learning disability may exist concomitantly with other disabling conditions (e.g., sensory impairment) or environmental influences (e.g., cultural/language differences or conditions defined in the current Diagnostic and Statistical Manual of Mental Disorders), the learning disability is not the direct result of those conditions or influences. The assessment and documentation standards for assessing learning disabilities and the need for support services conform to national standards and are provided in Appendix A.
- F. **Attention Deficit/Hyperactivity Disorder (AD/HD):** A neuro-cognitive disorder characterized by inattention, restlessness, impulsivity, and behavioral dysregulation, or a combination of these. Problems with focus and attention manifest as chronic problems with concentration, organizing work, planning, sustaining effort, and utilizing short-term memory. *AD/HD is not the result of a psychological or psychiatric disorder, such as schizophrenia, chronic depression, or a personality disorder.*
- G. **Acquired Brain Injury:** External or internal trauma to the brain, before or after birth from environmental injury, alcohol or drug abuse, stroke, infections, tumors, or oxygen deprivation, which results in functional limitation in cognition (i.e., memory, language, attention and concentration, executive functions), mood, and motor coordination.
- H. **Psychological or Psychiatric Disability:** Chronic and persistent mental illnesses as categorized by the current Diagnostic and Statistical Manual of Mental Disorders, that impede the educational process and may necessitate accommodations, support services or programs.
- I. **Temporary Disabilities:** A temporary disability is defined as a transitory impairment with an actual or expected duration of six months or less. Some examples of temporary disabilities include broken extremities, hand injuries, torn ligaments, post-surgical recoveries, etc. Temporary disabilities do not generally qualify as a disability under the ADAAA; however, severity and duration of the condition will be taken into consideration.
- J. **Other Functional Limitations:** Any other disability, such as a dysfunction of a body part or process or a neurological disability that necessitates accommodations, support services, or programs, and that does not fall within the categories listed above.

IV. Determination of Disability

A. Authority to determine disability status:

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

B. Determination of evident disability:

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

C. Documentation of disability:

There is no legal requirement that documentation be requested or obtained in order to demonstrate entitlement to legal protections because of disability or to seek reasonable accommodations. The law (e.g., ADA) acknowledges that postsecondary institutions may, as part of an interactive process, request a reasonable level of documentation. The primary reasons for obtaining and reviewing documentation should be to: (a) gather information from students; (b) consider all available information and materials; (c) determine functional limitations; and (d) identify reasonable services and accommodations.

Sources and Forms of Documentation

The following methods are considered when determining if a student qualifies as a person with a disability and to determine reasonable services and accommodations.

Acceptable sources of documentation for substantiating a student's disability and request for particular accommodations typically includes:

Student's Self-report: The student is a vital source of information regarding how he or she may be "limited by impairment." A student's narrative of his or her experience of disability, barriers, and effective and ineffective accommodations is an important tool that, when structured by interview or questionnaire and interpreted, may be sufficient for establishing disability and a need for accommodation.

Observation and Interaction: The impressions and conclusions formed by higher education disability professionals during interviews and conversations with students or in evaluating the effectiveness of previously implemented or provisional accommodations are important forms of documentation. Experienced disability professionals should feel comfortable using their observations of students' language, performance, and strategies as an appropriate tool in validating student narrative and self-report.

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

D. Transfer students with disability status:

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

E. Confidentiality

Each CSU campus shall maintain appropriate confidential records that identify students with disabilities. These records shall include the student's name, address, campus student identification number, nature of disability, support services needed, and determination statement of the director or designee of services to student with disabilities, and documentation provided by the student. All such records, including medical records, shall be considered "education records" protected by the Family Educational Rights and Privacy Act of 1974 (FERPA) and its regulations. Although certain medical records are exempt from FERPA's definition of "education records," that exemption does not apply to medical records maintained by a campus program for services to students with disabilities. Accordingly, confidential records will be protected in accordance with FERPA regulations with the purpose of providing appropriate academic accommodations or adaptation of curricula. Information about the student may be released with the student's informed written consent in accordance with FERPA or other applicable law.

V. Program Coordination

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

VI. Academic Requirements and Reasonable Accommodations

A. Modification of academic requirements

Academic requirements should be modified as necessary and appropriate to ensure that they do not discriminate, or have the effect of discriminating, on the basis of a disability against qualified applicants or students with disabilities. As appropriate, modifications may include but are not limited to:

1. Changes in the length of time permitted for the completion of a requirement,
2. Substitution for specific courses required, and
3. Adaptation of the manner in which a required course is conducted.
Academic requirements that are determined to be essential to a program of instruction by a process approved by the campus and its academic senate and those academic requirements directly related to certification and licensing requirements are not regarded as discriminatory.

B. Modification process

The process should include consultation with the Section 504/ADAAA coordinator or other individuals knowledgeable about Section 504 and the ADAAA, as well as consultation with appropriate faculty and administrators. Where appropriate, students should also be permitted to provide input into the process. Outcome documentation should include explanation of the academic requirement as well as a diligent assessment of alternatives for achieving the educational goal. The determination of what constitutes an essential academic requirement for purposes of Section 504/ADAAA shall be made in accordance with campus academic planning and approval procedures.

All CSU campus faculty and staff share the responsibility for maintaining a campus environment conducive to the fulfillment of the CSU's teaching and public service mission. In attempting to make appropriate academic adjustments, faculty members, the staff in services to students with disabilities, and students with disabilities should work together to develop reasonable accommodations that meet the individual educational needs of qualified students while not altering the fundamental nature of the service, program, or activity and without creating undue financial or administrative burdens. During this interactive process, a student with a disability should be given the opportunity to express a preference among possible accommodations and the stated preference should be considered in the process. However, the campus shall make the final decision among several viable options for reasonable accommodation.

VII. Communications Technology, Auxiliary Aids, and Services

A. Access

Section 11135 of the California Government Code was amended in 2003 to make clear that Section 508 of the 1973 Rehabilitation Act applies to the CSU. Section 508 addresses all aspects of access to information technology, web-based materials, programs and services including guidelines for creating accessible web sites. CSU Executive Order 926 states, "It is the policy of the CSU to make information technology resources and services accessible to all CSU students, faculty, staff and the general public regardless of disability." The CSU's Accessible Technology Initiative identifies web accessibility, accessible instructional materials, and procurement of accessible electronic and information technology as priorities. Each CSU campus is responsible for formulating and implementing plans to provide equal access to written and electronic communication to individuals with disabilities, in a manner that is as effective as communication provided to all other members of the campus community.

B. Accommodation

CSU campuses must furnish appropriate accommodations and support services where necessary to afford a student with a disability an equal opportunity to participate in and enjoy the benefits of campus services, programs, and activities. In determining the appropriate type of auxiliary aid or services, campuses should consider the disabled student's request(s). However, campuses are not required to take any action that would result in a fundamental alteration in the nature of a service, program, or activity, or that would result in undue financial or administrative burdens.

Primary consideration must be given to providing effective electronic communication and information to students with disabilities in the alternate format of their choice. Generally, only one accessible alternative format per item is required. In addition, pursuant to ADA, campuses are not required to use the newest or most advanced technologies as long as the auxiliary aid or service selected affords equal access.

VIII. Services: Auxiliary Aids and Services and Reasonable Accommodations

A. General guidelines

The type and amount of support services and accommodations provided to students with disabilities shall be determined by the campus director or designee of the program for students with disabilities, in consultation with the student seeking the accommodation and, as appropriate, with affected faculty and staff. Accommodations are intended to ensure equal, or equivalent access and opportunity to all college programs and activities, whether they are curricular or co-curricular.

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

B. Common accommodations

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

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

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

C. Support service providers

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

Students with disabilities needing assistance of such persons shall have an opportunity to be involved in the selection process to determine their appropriateness and to ensure that the person under consideration has an adequate skill level. California Education Code Section 67306 provides that students may select readers who are not on a director's list, if a written request is filed.

IX. Services to Students in Continuing/Extended Education Programs

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

X. Provision of Services

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

XI. Appeals Procedures

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

XII. Advisory Committees

A. Systemwide Advisory Committee

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

Membership and Terms of Office:

1. Chair to be appointed by the Chancellor/two-year term.
2. Two Vice Presidents for Student Affairs/two-year term.
3. One Provost/Vice President for Academic Affairs/two-year term.
4. Three Directors of Services to Students with Disabilities/two-year term.
5. Five students with disabilities representing a variety of disability categories/two-year, overlapping terms.
6. Three Academic Senate representatives/two-year, overlapping terms.
7. One representative from the Office of the Chancellor's Capital Planning, Design and Construction division (ex-officio).
8. One representative from Office of the Chancellor's Academic Affairs, Student Academic Support department who shall provide staff support (ex-officio).

B. Campus Advisory Committee

Each campus shall establish an advisory committee on services to students with disabilities to assist in the evaluation of current campus policies and procedures relating to students with disabilities and to develop plans and recommend priorities relating to programs and services for students with disabilities. This committee may be a stand-alone committee, may be the same as the campus Disability Access and Compliance Committee that is mandated by Executive Order 926, or may be an *ad hoc* subcommittee within the Disability Access and Compliance Committee.

Membership and Terms of Office

1. Members of campus advisory committees shall include students, staff, faculty, and administrators.
2. Members shall be appointed by the campus president or designee. If the advisory committee is to function as a subcommittee of the Disability Access and Compliance Committee, that committee shall identify some representatives from its own membership and designate additional members according to items 1 and 3 in this section.
3. Membership should include representation from a variety of disabilities, academic disciplines, the business office, and other sectors of the campus community.

XIII. Reports

A. Enrollment Data and Use of Services

Each campus shall provide data annually on enrollment of matriculated students with verified disabilities. The data shall include the primary and secondary (if applicable) disability categories and primary and secondary (if applicable) services provided.

B. Systemwide Program Evaluation

In consultation with students and staff, the CSU Office of the Chancellor shall develop and implement a system for evaluating state-funded programs and services for disabled students on each campus. The evaluations shall be conducted at least every five years. At a minimum, the evaluation shall report outcome data, staff and student perceptions of program effectiveness, implementation of the program, and physical accessibility requirements as specified in California State Building Code, Title 24 and the Americans with Disabilities Act/Architectural Barriers Act Accessibility Guidelines (ADAABAAG).

C. Policy Review

Every five years (beginning in 2014) the Systemwide Advisory Committee on Services to Students with Disabilities shall review the Policy for the Provision of Accommodations and Student Services to Students with Disabilities. A report including recommendations shall be prepared for the Chancellor of the California State University.

CALIFORNIA STATE UNIVERSITY

**Guidelines for the Assessment and Determination
of
Students with Learning Disabilities**

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

The CSU Guidelines are designed to provide an equal educational opportunity to students with learning disabilities who are otherwise qualified for admission. The guidelines are based on consultation with qualified professionals in the field of learning disabilities in the CSU and other state university systems and are consistent with those issued by nationally known professional organizations (e.g., AHEAD). These CSU Guidelines supersede eligibility criteria issued by the Office of the Chancellor in 2009. If any of the laws and regulations upon which the CSU Guidelines are based are amended, the most current applicable laws and regulations shall apply.

I. CSU Definition of a Learning Disability

The CSU system adheres to the definition of learning disabilities as developed by the National Joint Committee on Learning Disabilities (1998). Learning disabilities is a general term that refers to a heterogeneous group of disorders manifested by significant difficulties in the acquisition and use of listening, speaking, reading, writing, reasoning, or mathematical abilities. These disorders are intrinsic to the individual, presumed to be due to central nervous system dysfunction, and may occur across the life span. Problems in self-regulatory behaviors, social perception, and social interaction may exist with learning disabilities but do not by themselves constitute a learning disability. Although learning disabilities may occur concomitantly with other disabling conditions (e. g., sensory impairment, serious emotional disturbance) or with extrinsic influences (such as, cultural differences, insufficient or inappropriate instruction), they are not the result of those conditions or influences (adapted from NJCLD, 1998).

II. Qualifications to Diagnose

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

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

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

III. Assessment and Substantiation of a Learning Disability

A. Background

The guidelines for the appropriate elements of assessment and determination of students with learning disabilities are consistent with the AHEAD Guidelines (2012) and the CSU Policy for the Provision of Accommodations and Support Services to Students with Disabilities (2014). Documentation should validate the need for accommodations and support services based on the student's current level of functioning in the educational setting. A school plan, such as an Individualized Education Program (IEP) or a "504 plan" alone is insufficient documentation to support a student's eligibility but may be included as historical information in a more comprehensive assessment battery.

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

Each CSU campus shall maintain appropriate confidential records that identify students with disabilities. These records shall include the student's name, address, campus student identification number, nature of disability, support services needed, and determination statement of the director or designee of services to student with disabilities, and any documentation provided by the student. All such records, including medical records, shall be considered "education records" protected by FERPA and its regulations. Although certain medical records are

exempt from FERPA's definition of "education records," that exemption does not apply to medical records maintained by a campus program for services to students with disabilities. Accordingly, confidential records will be protected in accordance with FERPA regulations with the purpose of providing appropriate academic accommodations or support services. Information about the student may be released with the student's informed written consent in accordance with FERPA or other applicable legislation.

Reasonable accommodations are based on the current impact of the disability on academic performance. In most cases this means that a diagnostic evaluation should be age appropriate and relevant to the student's learning environment, and show the student's current level of functioning. (AHEAD 2012)

B. Assessment Process

The proper diagnosis of a learning disability involves an orderly, deductive process during which a wide range of information must be considered. Reliance on a single test instrument, no matter how comprehensive it appears, may be misleading. A comprehensive assessment and the resulting diagnostic report must include a diagnostic interview, evaluation of aptitude, academic achievement, information processing, clinical observations/processes and a diagnosis. Other possible reasons for the learning difficulties need to be discussed and ruled out where appropriate. Tests scores including standard scores, index scores, cluster scores and percentiles should be included with the report.

1. Diagnostic Interview

The assessment of learning disabilities requires a comprehensive diagnostic interview. Relevant information from across a lifespan should include the following areas: presenting problem(s), academic history, developmental history, medical history, psychosocial history, family history, primary language of the home, student's current level of English fluency, any other existing diagnosis(es), and medication(s), past and present. During the interview, the professional will explore possible alternative explanations for the presenting problem(s) other than learning disabilities.

2. Testing Process

When selecting a battery of tests, it is critical to consider the technical adequacy of instruments, including their reliability, validity, and standardization on an appropriate norm group. It is essential for the evaluator to utilize appropriate judgment in the selection of the assessment instruments utilized. The following is a suggested list of assessment instruments for the assessment of students suspected of having a learning disability. This list is not intended to be definitive or exhaustive.

a. Aptitude/Cognitive Ability

- Wechsler Adult Intelligence Scale-Fourth Edition (WAIS- IV)
- Woodcock-Johnson-Third Edition: Tests of Cognitive Ability (WJ-III)
- Kaufman Adolescent and Adult Intelligence Test
- Reynolds Intellectual Assessment Scale (RIAS)
- Stanford-Binet (SB5)
- Test of Non-Verbal Intelligence (TONI-3)

b. Academic Achievement

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

Or specific achievement tests such as:

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

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

c. Information Processing

Acceptable instruments include, but are not limited to:

- Wechsler Memory Scale
- Rey Osterrieth Complex Figure
- Trails A & B
- Peabody Picture Vocabulary Test-Third Edition (PPVT-III)
- Rey Auditory Verbal Learning Test
- Bender Visual-Motor Gestalt Test
- Beery Visual-Motor Integration Test
- Wisconsin Card Sorting Test

The testing process should utilize current, technically adequate and appropriate standardized instruments and should be based on a thorough examination of the student in the following areas. Any revisions or successors to the tests listed above would be included upon publication.

3. Factors to be Measured by the Assessment

a. Aptitude:

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

b. Academic Achievement:

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

c. Information Processing:

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

d. Clinical Observations:

Other assessment instruments, such as non-standardized measures and informal assessment procedures or observations, may be helpful in determining performance across a variety of domains. In addition to standardized tests, clinical observations are essential to the assessment. It may also be useful to include information derived from “testing to the limits.”

4. Test Scores

All subtests, factor, index, and cluster scores should be reported and considered when making a diagnosis. Standard scores and percentiles should be provided for all normed measures when intrinsic to the instrument. Whenever possible, age-based scores are preferred for an adult population; grade or age equivalent scores alone are not useful.

5. Interpretation

Assessment instruments and the data they provide do not diagnose; rather, they provide important elements that must be integrated by the evaluator with background information, observations of the client during the testing situation, and the current context. It is essential, therefore, that professional judgment be

utilized in all cases. An indication of how patterns in the student's cognitive ability, achievement, and information processing reflect the presence of a learning disability is critical. The particular profile of the student's strengths and weaknesses must be shown to relate to functional limitations that may necessitate accommodations and support services. Moreover, it is critical that the evaluator has ruled out alternative explanations for academic problems, such as those resulting from poor education, poor motivation and/or study skills, emotional problems, problems of attention, and cultural/language differences.

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

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

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

OR

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

This component refers to the difference between students' predicted ability levels and their assessed achievements levels (e.g., Factor Scores on the Wechsler Adult Intelligence Scale-Fourth Edition vs. Reading decoding, Reading comprehension, Math calculation, Math applications scores on the Woodcock-Johnson- Third Edition).

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

AND

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

by technically adequate, standardized instruments of aptitude.

AND

- d. An average or greater score (i.e., Standard Score =90 or above / 25th percentile or above) in at least one academic area as measured by technically adequate, standardized instruments of achievement.

OR

- e. Professional Certification.

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

4. Diagnosis and Summary

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

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

5. Prior Determination

Flexibility in accepting documentation is important, especially in settings with significant numbers of non-traditional students. In some instances, documentation may be outdated or inadequate in scope or content. In other instances, it may not address the student's current level of functioning or need for accommodations and support services because observed changes may have occurred in the student's performance since the previous assessment was conducted. It may be appropriate for a qualified professional to update the evaluation report. The purpose of this update is to determine the student's current need for accommodations and support services and should include a rationale for ongoing accommodations and support services.

A diagnosis of a learning disability documented by a qualified professional (whether in private practice or in a previous school setting) does not automatically guarantee that identical accommodations and support services

will be provided.

Documentation for students who have been determined eligible for accommodations and support services according to the criteria established by the California Community College system will be reviewed in accordance with the above prescribed CSU methodology and criteria.

If accommodations and support services are not clearly identified and supported by history and test results, the CSU may seek clarification and more information. The final determination for providing appropriate and reasonable accommodations and support services rests with the CSU campus.

6. Recommendations for Accommodations and Support Services

It is important to recognize that needed accommodations and support services can change over time and are not always identified through an initial diagnostic process. Conversely, a prior history of accommodation(s) does not, in and of itself, warrant the provision of a similar accommodation(s). Reasonable accommodations are based on current functional limitations and not entirely on a diagnosis alone. The final determination of appropriate and reasonable accommodations and support services rests with the CSU campus.

IV. Student Appeal Process

Pursuant to Section 504 and the ADAAA, students with disabilities who are denied a requested accommodation may appeal the decision through on-campus informal and formal accommodation dispute resolution processes.