



Pima County Community College District Administrative Procedure

<i>AP Title:</i>	Disability Documentation Requirements: Establishment of Eligibility for Services under ADA/Section 504
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<i>Board Policy Title & No.:</i>	Disability Student Resources, BP 3.46
<i>Legal Reference:</i>	American with Disabilities Act of 1990 and Americans with Disabilities Act Amendments (2008); Section 504 of Rehabilitation Act of 1973, as Amended; H.R.869 – RISE Act of 2021
<i>Cross Reference:</i>	Resolution Directing Americans with Disabilities Act Compliance

PURPOSE

The purpose of this Administrative Procedure (“AP”) is to set standards and describe processes for determining which Students meet the definition of having a Disability under the ADA and/or Section 504 and are eligible to receive Accommodations and/or Academic Adjustments at the College. This AP also defines the respective roles and responsibilities of College employees and Students in the Interactive Process through which those determinations are made.

SECTION 1: Overview of Eligibility Documentation

- A. Higher education is legally and logistically different from K-12 education. As a result, the eligibility documentation required for a Student to receive Accommodations or Academic Adjustments at the College may differ from the documentation required to receive the same or similar services in a K-12 educational environment.
- B. ADR endeavors to ensure the College's eligibility-documentation policies are compliant and consistent with national higher-education standards. However, such policies differ from one institution to another. Although documentation of disability from another institution is sufficient to determine eligibility as a Student with a Disability, additional documentation may be required to determine necessary Accommodations. As such, Accommodations and/or Academic Adjustments at Pima College may differ from those provided at other institutions.
- C. If a Student attends another institution after attending the College or takes a standardized test administered by an outside agency (*e.g.*, GED, GRE, MCAT, LSAT, etc.), the Student is responsible for researching that institution's or agency's eligibility-documentation policies. Students are wholly responsibility for obtaining all documentation required for any non-College activity.

SECTION 2: Interim Services

- A. If a student is lacking documentation, but the results of the Interactive Process suggest that the student may qualify as a Student with a Disability, and will be able to provide documentation, the ADR Program Specialist may authorize the Student to receive Interim Services from ADR for up to one semester. If documentation is not provided in the agreed upon time-frame, Interim Services will generally be suspended.
- B. When necessary, an ADR Program Specialist, in consultation with the ADR Director or his/her designee, may extend a Student's Interim Services.
- C. The authorization and cancellation of a Student's Interim Services are within ADR's sole discretion.

SECTION 3: The Interactive Process

- A. Determinations of whether a Student has a qualifying Disability under ADA and Section 504 are made on a case-by-case basis using information gathered during the individualized Interactive Process. “Eligibility” determines that the student qualifies as a student with a disability, but additional documentation may be necessary to determine the specific Accommodations and Academic Adjustments.
- B. An ADR Program Specialist and the Student shall engage in the Interactive Process to determine whether the Student has a qualifying Disability, identify barriers to educational opportunities related to the student’s Disability, and to determine what Accommodations or Academic Adjustments will enable to Student to overcome barriers to equitable access.
- C. The Interactive Process is an ongoing one. It is the Student’s responsibility to contact their assigned ADR Program Specialist if the Accommodations or Academic Adjustments are not implemented, ineffective, need to be modified or supplemented, or are no longer needed or desired.
- D. Accommodations and Academic Adjustments will be determined during the Interactive Process and may not always align with recommendations from providers outside the College.

SECTION 4: Supporting Documentation

- A. A Student seeking Accommodations or Academic Adjustments is responsible for providing all necessary supporting documentation to ADR.
- B. Types of Acceptable Supporting Documentation
 - 1. Supporting documentation typically helps to provide specific information about whether a student has equitable access to the College’s curriculum, services, and activities. Documentation to be considered during the Interactive Process includes, but is not limited to, the following:
 - a. Records from Qualified Health Care Professionals, including, but not limited to, the following:
 - 1. Psychological reports

2. Ophthalmologist or optometrist reports
 3. Audiology reports
 4. Medical practitioner/provider reports
 5. Behavioral health practitioner/provider reports
- b. Vocational rehabilitation reports
 - c. Veterans Administration benefit determinations of conditions
 - d. Pima Community College “Verification of Disability” form
 - e. IEP/MET/MDC/ISP/SOP/504 plan
 - f. Verification of medication
 - g. Prescriptions from a Qualified Health Care Professional
2. Supporting medical documentation must meet the following criteria:
- a. Come from a properly credentialed Qualified Health Care Professional qualified to diagnose or report a diagnosis of a condition related to the Student’s Disability
 - b. Include the name, credentials, and contact information of the medical professional making or reporting the diagnosis
 - c. Clearly describe the Student’s diagnosed medical condition, including the following:
 - i. The functional impact of the Student’s condition
 - ii. The expected progression or prognosis of the Student’s condition
 - iii. The severity, frequency, and pervasiveness of the Student’s condition

3. Other documentation that may be considered during the Interactive Process, in addition to supporting medical documentation, includes, but is not limited to, the following:
 - a. Interviews with the Student seeking and Accommodation or Academic Adjustment
 - b. Letters from teachers
 - c. Performance history at the College or at other post-secondary institutions
 - d. Transcripts indicating participation in special education services
 - e. Technology assessments
 - f. Information from third-party rehabilitation specialists, service providers, disability-support personnel, who have worked with the Student but may not have performed comprehensive medical evaluations
- C. An ADR Program Specialist *may* accept a Student's documentation even if that documentation does not conform strictly to the elements outlined in these guidelines.
- D. Students are encouraged to meet with an ADR Program Specialist even if they believe they may not have the required documentation, as Students' individual documentation needs may vary. An ADR Program Specialist will determine what documentation is required for each Student on a case-by-case basis.
- E. An ADR Program Specialist may require that additional documentation be submitted to ADR at the Student's expense if the ADR Program Specialist finds the available documentation insufficient to determine the Student's need for Accommodations or Academic Adjustments.
- F. If additional documentation is required, the ADR Program Specialist shall inform the Student in writing of the following:
 1. The specific additional documentation the Student must provide to ADR

2. The reason why additional documentation is required;
 3. The date by which the Student must provide the additional documentation to ADR
 4. That the Student's eligibility or continued eligibility for Accommodations or Academic Adjustments is dependent upon ADR's receipt of the specified additional documentation
- G. If a Student is approved to receive Accommodations or Academic Adjustments, ADR may require the Student to periodically update his or her supporting medical documentation.
- H. If an ADR Program Specialist determines the Student is not eligible, or is no longer eligible, to receive Accommodations or Academic Adjustments, the ADR Program Specialist will inform the Student in writing of the following:
1. The reason for the determination
 2. The process by which the Student may appeal the ADR Program Specialist's determination

SECTION 5: Documentation of the Interactive Process

- A. Documentation of the Interactive Process should include the following information when relevant:
1. Information self-reported by Students to ADR
 2. Observations by ADR Program Specialists
 3. Information in the documentation provided by the Student
 4. A summary of conclusions based on the ADR Program Specialist's professional judgment as to how the information collected during the Interactive Process relates to the Student's eligibility for services

- B. Copies of all documentation provided by the Student and utilized by the ADR Program Specialist during the Interactive Process shall be maintained in the Student's ADR file.

SECTION 6: Temporary Conditions

- A. Students with conditions that substantially limit one or more major life activities but that are not expected to be permanent, may be eligible to receive Accommodations or Academic Adjustments during the time period in which their conditions limit or present barriers to the Student's full participation in, or access to, the College's educational services or other College Sponsored Activities.
- B. ADR will require the same documentation and follow the same Interactive Process for Students seeking Accommodations or Academic Adjustments for temporary conditions as they do for Students whose Disabilities are not expected to be temporary.

SECTION 7: Complaints and Appeals

Students may utilize the College's "Complaint Procedure for Students with Disabilities" to bring complaints about and appeals of ADR determinations regarding the sufficiency of the Students' supporting medical documentation, their eligibility for ADR services, or the specific Accommodations and Academic Adjustments approved or denied by ADR (among other types of complaints). (See AP 3.46.06).

SECTION 8: Confidentiality

- A. All Disability documentation shall be treated in a confidential manner and shared with College personnel only on a need-to-know basis or as otherwise required by law.
- B. ADR documentation or other information regarding the nature and extent of a Student's Disability will not generally be shared with the Student's instructors. In limited circumstances, it may be appropriate for an instructor to receive some information about the nature or extent of a Student's Disability in order for the instructor to assist in developing or implementing reasonable Accommodations or Academic Adjustments.

- C. ADR records, including those containing Student medical documentation, are confidential “education records” within the meaning of the Family Educational Rights and Privacy Act (“FERPA” (20 U.S.C. § 1232g, *et al.*)) and may not be released outside the College, other than to the Student themselves, without the Student’s express written permission, except in limited circumstances otherwise authorized or required by law. (See AP 3.11.01).

SECTION 9: Definitions

- 9.1 “Academic Adjustment” means a modification of a non-essential academic requirement, institutional requirement, or additional service related to College curricula or to a program of study that enables a Student with a Disability to receive an equal opportunity to benefit from educational processes and does not constitute a Fundamental Alteration.
- 9.2 “Accommodation” means a modification to a task or process, or to the College’s physical environment or equipment, which enables a Student with a Disability to receive an equal opportunity to participate in any College Sponsored Activities and does not constitute a Fundamental Alteration.
- 9.3 “ADA” means the Americans with Disabilities Act of 1990 and the Americans with Disabilities Amendments Act (“ADAAA”) of 2008, as well as the federal regulations applicable to the requirements of the ADA and the ADAAA.
- 9.4 “ADR” means the College’s office of Access and Disability Resources.
- 9.5 “ADR Program Specialist” means an ADR employee who works with Students and other College employees, including but not limited to the Students’ instructors, to determine reasonable Accommodations and/or Academic Adjustments
- 9.6 “College” means Pima Community College.
- 9.7 “College Community” means, collectively, all persons employed by, applying for employment with, volunteering for, enrolled in classes at, or visiting the College, or who are attending any College Sponsored Activity.
- 9.8 “College Sponsored Activity” means any academic or non-academic service, program, event, or activity officially sanctioned by the College or any on- or

off-campus program or activity initiated, aided, authorized, or supervised by the College's administration or official organizations.

- 9.9 "Disability" means a physical or mental impairment that substantially limits one or more major life activities of an individual, a record of having such an impairment, or being regarded as having such an impairment, without regard to the effects of mitigating measures other than eyeglasses or contact lenses.
- 9.10 "Fundamental Alteration" means a change so significant that it alters the essential nature of College curricula, programs of study, academic or licensing requirements, or other College Sponsored Activities.
- 9.11 "Interactive Process" means the collaborative effort by a Student and the College, through ADR, to determine the Student's eligibility for Accommodations or Academic Adjustments due to a Disability, the specific functional limitations related to the Student's Disability, and the reasonable Accommodations or Academic Adjustments that could assist the Student to mitigate those limitations and receive an equitable opportunity to participate in the College's educational programs and other College Sponsored Activities.
- 9.12 "Interim Services" means time limited Accommodations or Academic Adjustments initiated after a Student has requested ADR services but before ADR's final determination of the Student's eligibility to receive ongoing ADR services.
- 9.14 "Section 504" means Section 504 of the Rehabilitation Act of 1973.
- 9.15 "Student" means any person currently enrolled in courses at the College on either a full-time or part-time basis, as well as any person currently registered for or participating in continuing-education classes through the College.
- 9.16 "Qualified Health Care Professional" means an individual who is qualified by education, training, and licensure or certification to perform medical or other health-care services, including diagnosing Disabilities, and is authorized to practice under applicable state law, including, but not limited to, a physician (M.D. or D.O.), nurse practitioner, clinical psychologist, or clinical social worker.

9.17 “Undue Burden” means significant difficulty, disruption, or expense, taking into account factors such as the nature and cost of an action; the College’s fiscal resources, personnel resources, and other resources; legitimate safety concerns (including crime prevention), and the overall impact of the action on College operations.