

ATTENDANCE MODIFICATION

Student Accessibility and Disability Services

August 2016



OVERVIEW

- Recognizing legitimate requests for flexible attendance
- Evaluating the appropriateness of the request
- OCR complaints/resolutions
- Rationale for supporting or denying requests
- Questions / Discussion

HISTORY OF FLEXIBLE ATTENDANCE

The U.S. Department of Education, San Francisco Regional Office for Civil Rights (OCR) received a complaint against Cabrillo Community College for discriminating a student with a disability on May 28, 1996

- The student had multiple chemical sensitivities that prevented him from attending classes
- The student requested an accommodation (i.e., home-tutoring) for a beginning instructional computer class but was denied
- The Disabled Student Services office at the College only provided Home-Bound Program

HISTORY OF FLEXIBLE ATTENDANCE

The Home-Bound Program was insufficient to meet the student's needs

- Availability of the program is contingent upon course instructor permission
- Limited to the provision of a few days' (10 to 15 days maximum) worth of lecture notes
- Only available for lecture format classes

Responsibility of Office for Civil Rights (OCR)

Enforce Section 504 [34 CFR 104] of the Rehabilitation Act of 1973

- Prohibit discrimination on the basis of disability by recipients of Federal financial assistance through the U.S. Department of Education

Enforce Title II [28 CFR 35] of the Americans with Disabilities Act (ADA) of 1990

- Prohibit discrimination on the basis of disability by public entities, including public postsecondary education institutions

GUIDELINES FOR IMPLEMENTING FLEXIBILITY IN ATTENDANCE

Student's Responsibilities

- Discuss attendance policies with instructors early in the semesters
- Provide documentation of a disability
- Address impact of disability
- Discuss with the instructors regarding a reasonable number of absences and a specific plan for making up missed work
- Inform instructors and Disability Services as soon as possible when the absence is medically necessary
- Adhere to the agreed upon plan and complete make up work
- Contact Student Accessibility and Disability Services for questions or concerns

GUIDELINES FOR IMPLEMENTING FLEXIBILITY IN ATTENDANCE

Professor's Responsibilities

- Discuss flexibility in attendance with student
- Determine a reasonable number of absences for the course
- Develop a specific plan for making up missed work
- Maintain the essential standards/learning outcomes of the class
- Return student's email regarding a disability related absence
- Verify with student about the agreed upon alternate timeline for make-up work
- Contact Student Accessibility and Disability Services for questions or concerns

GUIDELINES FOR IMPLEMENTING FLEXIBILITY IN ATTENDANCE

Student Accessibility and Disability Services' Responsibilities

- Determine if the student were eligible for the accommodation of flexible attendance
- Provide support for faculty and students when needed

Examples of Flexible Attendance Implementation

Scenario 1

Professor normally gives clicker points for attendance. As an accommodation, the professor allows student to respond to questions via email; however, the student must contact professor and answer questions within 24 hours of the class.

Examples of Flexible Attendance Implementation

Scenario 2

Student and professor mutually agree that the student can miss class more often than classmates as long as all of the work is completed. However, it is nearing the end of the semester and student has not turned in assignments, has not been in contact with the professor, and has not attended class. In this case, the professor would not be expected to extend deadlines as the student has not taken responsibility for maintaining communication and is not completing coursework.

ATTENDANCE MODIFICATION PROCESS

Policies in the Syllabus

- Is attendance factored into the student's final grade?
- Does the fundamental nature of the course rely on student participation as an essential method for learning (i.e., require student's physical presence in the classroom)?
- What policies exist for making up missed exams, pop quizzes? Turning in late homework?

Examples of
Flexible Attendance
Implementation

Scenario 3

Professor normally allows up to three absences before dropping students' grades by one letter grade. A student accommodated with flexibility in attendance is allowed up to six absences and 24 hours to make up any work missed.

Examples of Flexible Attendance Implementation

Scenario 4

In a foreign language course, a student is told at the start of the semester that the professor cannot allow much flexibility regarding attendance as much learning depends on classroom interactions. However, the professor will keep the student's accommodation in mind. Student is hospitalized for a week at the end of the term and cannot complete a presentation. The student is allowed to deliver the presentation with only the professor present as this does not fundamentally alter the learning objectives.

FAQ

Question 1

What are some legitimate reasons for students with disabilities to request modifications to attendance policies?

- Students most likely to request modified attendance policies are those with health-related disabilities that flare up episodically.
 - For example, diabetes, epilepsy, cancer, migraines, and conditions requiring dialysis.

- Flexibility in attendance policies sometimes is considered for students with mobility impairments during severe weather conditions.

FAQ

Question 2

What are some questionable reasons for students with disabilities to request flexible attendance policies?

- Sometimes, a student with attention deficit disorder requests a flexible attendance policy for an early morning class, claiming he/she does not function well in the morning or is not organized and may forget to come to class.
- Students with disabilities may also seek flexible attendance policies when they need to miss class because of scheduled appointments with specialists.

FAQ

Question 3

Can a service provider tell faculty members they have to change attendance policies they have established for classes?

- The service provider can tell faculty to change a policy in the context of providing an accommodation if it were necessary to ensure equal access for a student with a disability.
- In classes that clearly rely on participation, there may be many good reasons for setting attendance policies and refusing to alter them.

QUESTIONS AND COMMENTS

Questions?