

Office of Civil Rights Guidelines: Attendance and Assignment Extension Consideration

The Office of Learning Resources works with students with documented disabilities which may qualify for Assignment Extension or Attendance considerations. In a legal decision by the Office of Civil Rights (OCR), Case no. 09-96-2150 (OCR Region IX, 1996), attendance policies and classroom participation were addressed. OCR noted that it accords significant deference to a college's determination that attendance is essential in a particular course. The following factors provided by the Office of Civil Rights (OCR) must be considered in determining whether the request constitutes a fundamental alteration of the curriculum, or is an essential element in the course:

1. Is there classroom interaction between the instructor and students, and among students?
2. Do student contributions constitute a significant component of the learning process?
3. Does the fundamental nature of the course rely upon student participation as an essential method for learning?
4. To what degree does a student's failure to attend constitute a significant loss to the educational experience of other students in the class?
5. What do the course description and syllabus say?
6. Which method is used to calculate the final grade? And what are the classroom practices and policies regarding attendance?

Faculty Guidelines:

- Faculty are strongly encouraged to contact the OLR, should there be questions or concerns pertaining to disability-related assignment extensions. **Faculty should not make arrangements for disability-related attendance consideration without consultation with the Office.**
- Faculty are required to engage in an interactive process with the OLR to address the student's request for consideration of attendance policy exceptions.
- When a student is approved for an attendance accommodation, **the accommodation is listed on the accommodation letter.** This accommodation must be considered, but is not always applicable.
- The student is responsible for all materials covered or work completed during disability-necessitated absences. The instructor is not responsible to keep the student current on work missed. Extension of deadlines for assignments due or arrangements for making up tests and exams missed during disability-related absences are NOT included in this assigned accommodation. This must be negotiated individually with the

instructor as the need arises.