

## ATTENDANCE POLICIES AND DISABILITIES

Students most likely to request modified attendance policies as an accommodation are those with serious health-related disabilities that flare up episodically. This includes, but is not limited to, students with autoimmune disorders like lupus, multiple sclerosis, or rheumatoid arthritis; Crohn's disease or ulcerative colitis; sickle cell anemia; seizure disorders; other forms of arthritis; and/or conditions requiring debilitating treatment such as cancer/chemotherapy or dialysis. A significant number of DRP students have these or other conditions which periodically worsen or "flare up." Students with psychological disabilities who are experiencing an acute exacerbation of symptoms may also request modification of attendance policies. Accommodations are always determined on a case-by-case basis.

Federal law requires colleges and universities to **consider** reasonable modification of attendance policies if required to accommodate a student's disability. In making this determination, two questions must be answered:

- Does the student have a documented disability that directly affects his/her ability to attend class on a regular basis? The Director of the Disability Resource Program (DRP) will make this determination based on a review of documentation from the student's physician, psychologist or other appropriate specialist and a thorough intake with the student him/herself.
- Is attendance an essential element of the class? More specifically, would modification of attendance policies result in a fundamental alteration of an essential element of the program? DRP makes this determination given the context of the class, with input as necessary from the Associate Academic Dean and/or other faculty or administration.

**The Office of Civil Rights (OCR) has provided the following guidelines to assess if attendance is an essential part of a class:**

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

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Professors who believe an attendance policy modification does constitute a fundamental alteration of an essential element of the program *must contact DRP immediately* to discuss their concerns. This accommodation is subject to a reasonableness standard, and is not appropriate in every circumstance.

In cases where attendance is an essential part of the class, a withdrawal or an incomplete may be considered a reasonable accommodation if absences become excessive.

### **Below are some guidelines for how to handle modification to the attendance policy as an accommodation:**

1. You will receive an official faculty letter stating that one of the student's classroom-based accommodations includes "Absences/Attendance Policy Modification." This puts you on notice that the student's absence(s) – which have been verified by the submission of updated documentation -- should NOT trigger an AUTOMATIC grade reduction (e.g., *if you miss more than 2 classes you will be unable to pass the class . . . unlikely to receive an A no matter how well you do on the exam . . . will be automatically administratively withdrawn*, etc.) The intent is to take the "automaticity" out of applying the attendance policy, and instead, consider whether additional modifications or accommodations are reasonable. The impact of the absence(s), including determining whether to grant an incomplete or to administratively withdraw the student from the class must be determined on a case-by-case basis, often with input from the Associate Academic Dean.
2. This accommodation is not a "free pass," and students are cautioned that even if their absence is due to their disability and beyond their control, such absences may well impact their grade, particularly if the class grade includes in-class group exercises and/or written assignments. Students are also advised that they still bear the responsibility to keep up with the reading, obtain class notes from a fellow student if they do not also have note taking support as an accommodation, and make up any written assignments they may have missed.
3. Professors are not obligated to create extra work for either the student or themselves as a substitute for "participation" in class or missed assignments. However, you should consider whether there are opportunities for the student to mitigate or "make up" their absence. Again, this is particularly relevant for classes that are highly interactive and include assignments and group work. DRP can engage faculty and students in the legally required "interactive process" of considering and determining whether such an accommodation is reasonable given the circumstances.

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### **Factors to consider when deciding whether a student's grade will be impacted by their disability-related absence:**

1. Class format: lecture, experiential, seminar, small group, traditional exam, skills-based, class presentation, weekly written assignments, etc.
2. What does your syllabus say about how students are graded?
3. What % of the grade is based on attendance/participation, papers, projects, presentations or exams?
4. Did the student miss your lecture (factual information, which they are still responsible for knowing), or were they absent on a day when there was a particular in-class experience such as a guest speaker, role play, student presentation or small group work (something that, once missed, cannot be replicated or made up)?
5. How many classes did the student actually miss? At what point in the semester?
6. How would you evaluate the student's standing in the class up until the point s/he was unable to attend?
7. How was the student's participation otherwise, when s/he was in class? Can you separate attendance from participation in your grading?
8. Was the student proactive in communicating with you?

